United Nations S/PV.6029

Security Council

Sixty-third year

Provisional

6029th meeting

Wednesday, 3 December 2008, 3 p.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. La Yifan
	Costa Rica	Mr. Urbina
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in Chad and the Sudan

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08-63132 (E)

The meeting was called to order at 3.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Chad and the Sudan

The President: I should like to inform the Council that I have received a letter from the representative of Chad, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Allam-mi (Chad) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Holmes to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting the Council will hear a briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give him the floor.

Mr. Holmes: Thank you very much, Mr. President, for this opportunity to brief the Council on my recent visits to Chad and to the Sudan.

I visited Chad for a second time to look at the humanitarian situation and response, particularly in the light of the deployment of the European Union military operation (EUFOR) and the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the transition to MINURCAT II. In eastern Chad, I visited refugee and internally displaced persons (IDPs) camps, and a village where IDPs have begun to return.

In N'djamena I spoke with the Prime Minister and other ministers. National tensions have eased since the attack on N'djamena last February but the situation remains fragile and volatile. In the east, banditry has worsened and poses a significant threat to IDPs, refugees, aid workers and the local population. The underlying tensions from long years of internal conflict and the spillover from Darfur have not gone away. The humanitarian situation is relatively stable in terms of numbers. Around 263,000 refugees from Darfur and 57,000 from Central African Republic, and 180,000 IDPs, are currently receiving humanitarian assistance. Emergency needs are mostly being met and the quality of aid reaching IDPs is much better than on my last visit, in March 2007. However, the long-term presence of such large numbers of refugees and IDPs is resulting in growing tensions with the host population and additional strain on the already fragile environment.

The politicization and militarization of the refugee camps and some IDP sites are major and increasing concerns. In particular, recruitment by armed groups, including of children, notably by the Justice and Equality Movement (JEM), is threatening the civilian and humanitarian nature of the camps. This needs to stop if the humanitarian effort is to be able to continue successfully. The Office of the United Nations High Commissioner for Refugees (UNHCR) has already been unable to deliver assistance in one camp for two months for related reasons. I asked the Government of Chad to do all it can to prevent such problems, and I call on the JEM leadership in particular to recognize their responsibilities too.

In the absence of a settlement in Darfur, there is unfortunately little immediate prospect of return for the Sudanese refugees who have been in Chad for the last five years. The focus is therefore on increasing self-sustainability. There are, however, some signs of hope for the IDPs. There have been limited voluntary returns to their villages of origin in recent months, particularly in locations further away from the Darfur border. Others are moving between the camps and their previous smallholdings to restart agricultural activity. In Louboutique, which I visited, the return process has been greatly facilitated by effective locally led

reconciliation efforts. I hope these can be replicated elsewhere, without putting undue pressure on the IDPs.

Security remains critical, and must go hand in hand with the provision of basic social infrastructure and a stronger presence of State authorities. The presence of EUFOR and the progressive deployment of MINURCAT have helped to stabilize the situation overall, to provide much needed general reassurance to refugees, IDPs and the local community and to improve security for humanitarians.

However, EUFOR has not had the capacity to tackle the growing problems of local banditry and criminality, which remain the greatest single concern for the humanitarian community in eastern Chad. Since the beginning of the year, about 160 serious incidents have been recorded, including the murder of the head of the Save the Children team. This banditry, which is carried out largely for profit, following a pattern we have seen in Darfur, is encouraged by the proliferation of small arms throughout the area, the presence of armed militias and more or less total impunity for those responsible, in the absence of any meaningful local judicial system. Some non-governmental organizations (NGOs) have already withdrawn, wholly or partially, and we will need to work hard to fill these gaps and provide the best basis possible for others to stay.

A speedy and effective deployment of MINURCAT II and a smooth transition from EUFOR are therefore vital to help improve security for refugees, IDPs, the humanitarian community and the original population alike. The deployment of the newly trained Chadian gendarme force, the Détachement integré de sécurité (DIS), fully supported by MINURCAT, is equally vital. They have the mandate and training to provide the kind of local police protection in and around the camps that is so badly needed. Deployment has already begun and I was encouraged by the attitude of members of the DIS that I met. But there is a long way to go, and there remain some key issues of equipment and operational capability to be resolved.

The Council will soon be voting on the future of the United Nations presence in Chad. I urge members to ensure that MINURCAT II has the resources to cover the key geographical areas currently covered by EUFOR, in addition to one or two others, with the necessary logistical support and an appropriate mandate.

In my discussions with the Chadian Government and local authorities, I also strongly encouraged them to increase their effective presence in the East and to live up to their own responsibilities for ensuring security, providing basic services and supporting development. They, in turn, drew attention to the need to take into account the unequal treatment of the original population, many of whom are themselves on the edge of extreme poverty and food insecurity. We need to add to our existing assistance projects a package to address this as well as the environmental issues. I hope donors will look favourably on this, as on the overall Consolidated Appeals Process 2009 requirements of some $389 million, in the same way that they have responded generously to humanitarian needs in 2008.

Overall, I left Chad with slightly more optimism about future prospects than I had expected, including in terms of our efforts to provide life-saving humanitarian aid. However, the risks of rapid deterioration remain high. The international community and the Security Council cannot afford to neglect Chad.

I should now like to turn to the Sudan, where I visited all three Darfur states, South Kordofan, Juba and Khartoum. The billion-dollar humanitarian operation in Darfur, still the largest in the world, will soon enter its sixth year. The needs are not diminishing, and the situation remains grave. This year more than 315,000 people have been forced to flee from violence and inter-tribal conflict. Even if this displacement or re-displacement is only temporary, the destruction, including of humanitarian infrastructure, and consequent delays in relief assistance redouble the suffering.

To the frustration of all, many of the problems noted in the past are equally relevant today. The operation nevertheless continues to achieve its primary goal of keeping people alive, not least through the sheer determination of thousands of aid workers to overcome the obstacles. But at the risk of stating the obvious, the things most urgently needed are a ceasefire that is declared and respected by all parties and a negotiated settlement to the conflict.

The critical humanitarian challenges today are access and protection of civilians. There are many reasons for our access problems, including the continuing violence, travel restrictions, the politicization of the humanitarian environment,

including in the IDP camps, and the dramatic increase in attacks on humanitarians and their property. The year 2008 has seen these attacks reach unprecedented levels. As of 30 November, 261 vehicles had been hijacked and 172 compounds broken into. The cars and other valuables stolen seem to find their way mostly to Chad or Libya for resale. Rebel movements, or groups or individuals linked to them, appear to be primarily responsible for the majority of these terrifying incidents in rural areas. However, many also occur in main towns under Government control. I call on both the Government security forces and rebel leaders to put a stop to this banditry once and for all. It seriously damages the quality of assistance — for example, World Food Programme rations are still only at 70 per cent because of attacks on their convoys — and it damages the credibility of their promises to ensure our safety.

Nobody can be satisfied with only keeping needy people alive. Alleviating their suffering and protecting them from abuses are as much a part of humanitarianism today as are food, water and other material assistance. For example, throughout my trip in Darfur, I was confronted with the pervasive risk of sexual violence. I met many women who had the courage to speak out. It was therefore particularly disturbing that programmes aimed at preventing or responding to this violence are under increased pressure from Government authorities, with South Darfur presenting the most difficult challenges and one or two unacceptable incidents.

The authorities there have also recently forced the closure of two NGO mental health projects. An air of unnecessary suspicion continues to hang over the aims of this type of project. I raised these issues with the Government at all levels. I hope that we can reach a better shared understanding of the essential purpose of protection and find ways of working together to help people living amid these brutal risks.

On the long-standing issue of administrative obstacles impeding humanitarian operations, the Government recently extended the moratorium on restrictions through January 2010. I welcome this early decision. We should be able to harmonize procedures and practices between the federal and state levels, and address issues together before hasty unilateral actions are taken, such as harassing or closing projects or expelling staff. I have also asked the Government to provide international humanitarian staff of non-governmental organizations (NGOs) with multiple-entry visas to increase operational efficiency and to avoid the anxiety of having to wait for exit visas, for example in urgent compassionate circumstances. This would reduce bureaucracy for both sides and would significantly improve the atmosphere of relations.

We must also be aware of the effects of continued violence, stress and upheaval in Darfur. Those in camps are increasingly frustrated. The longer they stay there, the more militancy is increased by questions such as land and property rights. Fears are increased by renewed pressure by Government authorities for rapid return, even when security conditions are clearly not right for safety or sustainability. Some camps are particularly sensitive, such as Kalma or those around Zalingei in West Darfur, both of which I visited. Just yesterday, tensions came to a boil in Hissa Hissa camp in Zalingei, resulting in a tense standoff which required the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to position itself between the camp and an armed group. To help address these issues, I have asked the Government again to allow UNHCR to support them with camp coordination and management. I also strongly urge rebel leaders to respect the civilian and humanitarian nature of the camps.

Frustration and problems are not, of course, confined to the camps, but exist in many rural areas too. We are trying to engage with and help all communities, including Arab nomadic communities, and to promote early recovery and development wherever possible. Local reconciliation efforts between communities, as well as wider political negotiations, are essential for future normalization, and I was encouraged that these were already under way in some places, for example to allow the recent harvest to go ahead in relative peace in some areas.

Overall, my discussions with the Sudanese authorities, while frank at times, took place in a constructive spirit. We now need to see rapid results on the ground. We are also intensifying our contacts with the rebel movements to persuade them that they too must respect humanitarian personnel and aid efforts.

From Darfur I went to South Kordofan to assess the humanitarian response to May's serious violence in Abyei, which forced some 50,000 civilians to flee, many to nearby Agok. Talking to the displaced Dinka, the message was clear: without continued progress on

the Abyei Road Map, including further support to the joint implementation and police units, most of the population will not return, primarily due to fears of renewed violence. I also discussed this with the new Abyei Administrator and his Deputy, in particular the importance of ensuring that the resources required to implement the Road Map are made available. This is a point I strongly took up in my meetings in Juba and in Khartoum. The importance of Abyei to North-South peace can hardly be overstated.

I also visited Juba for the first time since March 2007. Juba itself has boomed in the meantime, with the good and bad sides that boom implies. But outside the capital, the process of construction remains painfully slow, and little of the oil revenue flowing to Southern Sudan has so far been seen.

Southern Sudan, while no longer a humanitarian emergency as such, still has some of the worst child and maternal health indicators in the world. For example, maternal mortality is twice as high as Darfur. One child in every seven dies under the age of five. Agriculture has huge potential but, three years on from the Comprehensive Peace Agreement, more than 90 per cent of fruits, vegetables and consumer goods are imported from Uganda or Kenya.

The good news is that some 12,000 kilometres of roads have been de-mined, 3,000 water points have been rehabilitated, 2.4 million former IDPs and refugees have returned and primary school enrolment rates have risen dramatically. So, some of the peace dividends hoped for on the signing of the Comprehensive Peace Agreement have begun to appear. But there is a long way to go. While Darfur's problems tend to take the spotlight, the Comprehensive Peace Agreement remains of huge importance for the whole country. The United Nations, NGOs and donors must all continue to help ensure effective recovery and development. But the Government of Southern Sudan also needs to allocate additional resources for basic services.

Let me conclude with a few general points. The situation in Darfur remains a huge challenge — above all for the people of Darfur, but also for humanitarians, for UNAMID and for the political process. There is plenty of room to criticize the Government of the Sudan for continuing human rights violations, for not disarming the militias, for not always facilitating humanitarian relief, or for declaring a ceasefire then almost immediately violating it. However, the rebel movements have neither declared a ceasefire nor shown great readiness to engage in a political process, and are also not helping relief efforts. They have a lot to answer for, too.

Meanwhile, the situation in Darfur cannot continue without causing incalculable damage, not only to the physical environment — the risks to which in areas like forest cover and water resources struck me particularly forcibly on this visit — but also to the ability of Darfur to recover its culture and way of life in the future. A generation is growing up in the camps with no knowledge of what went before. How will they respond if and when real peace returns? How many will go back to villages in some cases already occupied by others? Humanitarian relief cannot answer these questions. Only decisive political action can.

Meanwhile, it is important that UNAMID continue to use its current and future capacity to improve the physical protection of civilians, in particular in the camps near the main towns, as they have now done so successfully around Kalma camp in South Darfur. This will not only improve the safety of civilians and humanitarians, but will also help contribute to reducing tensions overall.

Lastly, let me make one comment on the issue relating to the International Criminal Court in the Sudan. Regardless of what may happen in the coming months, it is in everyone's interest to ensure the safety of humanitarians and to sustain the humanitarian operation. I took every opportunity to remind the Government of the Sudan of its fundamental responsibilities in this context. For our part, we will do everything in our power to maintain our operations to help those in need.

The President: I thank Under-Secretary-General Holmes for his briefing.

I now give the floor to the representative of Chad.

Mr. Allam-mi (Chad) (*spoke in French*): I thank Under-Secretary-General Holmes for his complete briefing on the security and humanitarian situation in eastern Chad. I wish, however, to stress, on behalf of the Chadian Government, that overall there has been an improvement in the situation compared with a year ago. We owe that to the mobilization of our own resources and to support from the international community, especially the Security Council, which

took the decision to deploy the United Nations Mission in the Central African Republic and Chad (MINURCAT) / European Union operation in eastern Chad and Central African Republic (EUFOR Chad/CAR).

To be sure, there have been shortcomings, which have sometimes been criticized by non-governmental organizations, which are rightly demanding in that regard. We hope that the new MINURCAT, expanded through a military component, will be effective in meeting the expectations of those who will be its beneficiaries: refugees, displaced persons and, of course, the local populations, which have felt the pressure of this situation, as Mr. Holmes has just indicated, as well as humanitarians. Let us hope that the new operation will help us to demilitarize the camps in order to address what has been said regarding the Justice and Equality Movement (JEM) and other Sudanese actors who would take advantage of the situation in order to carry out recruitment in the camps.

My Government reiterates its complete readiness to fully cooperate with the United Nations mission in the eastern part of our country. I also wish to express my satisfaction with the positive results we have just received in our consultations with the Secretariat, regarding the deployment of the new United Nations Mission in the Central African Republic and Chad II (MINURCAT II).

With regard to the neutralization of the camps just mentioned — a situation that has resulted from the lack of effective neutralization of those camps — the fact that the Sudanese are recruiting there is not the sole responsibility of Chad. Those who claim that we support the Sudanese rebels are unable to provide us with any tangible proof. Chad does not manufacture weapons. Chad does not have weapons to provide to any rebellion. Chad is a poor country that cannot allow itself the luxury of supporting rebels from another country, and even less able to those from a friendly, neighbourly country such as the Sudan.

On the contrary, Chad could contribute positively in the Sudan in the context of a dialogue among Sudanese. Chad is prepared to actively support all efforts to bring peace to Darfur. We welcome the normalization of relations with the Sudan in the context of the Dakar agreement, and we will work towards the consolidation of friendly relations and good-neighbourliness with our Sudanese brothers. For us, as long as the tragic situation in Darfur is not settled, our fear is that relations between the two countries could run the risk of being negatively affected.

We have no internal problems. The hundreds of political parties in Chad have signed a platform of understanding, known as the political agreement of 13 August 2007. All who signed that agreement are within the country and we are making our way towards free and transparent elections under the supervision of the international community.

Those who have taken up arms should give them up and should return to the country in accordance with the Sirte Agreement, which for us still remains valid.

The President: I thank the representative of Chad for his statement.

I shall now give the floor to those Council members who wish to make comments or ask questions in response to the briefing we have just heard.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): First of all, we would like to welcome among us Mr. Holmes, Under-Secretary-General for Humanitarian Affairs, and we thank him for his briefing to the Council regarding the overall humanitarian situation in Chad and in the Sudan. We also wish to commend him for his praiseworthy efforts in carrying out his noble mission and for the efforts made in the region, in particular his most recent on-site visit to assess the situation of the refugees and internally displaced persons (IDPs), as well as the talks with the parties and the humanitarian organizations concerned, in order to alleviate humanitarian suffering. We also welcome our brother Mr. Ahmad Allam-mi, the Permanent Representative of Chad and thank him for his briefing.

My Government shares the concerns of the Under-Secretary-General with regard to the continued deterioration of the humanitarian situation, due primarily to the continued acts of violence, which unfortunately lead to further human suffering of civilians.

It is regrettable to note, as Mr. Holmes has stated, that some refugees and IDPs have suffered under practices which should not take place, such as recruitment and sexual violence. We strongly support his invitation and his appeal to put an end to recruitment in the camps, on the part of the rebels, and

to end the politicization of the camps. Certainly, that activity runs counter to any betterment of the situation of the refugees.

We insist on the importance of continuing to provide humanitarian assistance and to facilitate access to the IDPs and refugees, to guarantee protection for them and thus to encourage them to return to their villages. It is certain that that will require close cooperation between the national authorities of the two countries as well as the international community in order to guarantee access of humanitarian assistance to all those who need it. In that regard, we wish to convey our gratitude to all donor parties and to underscore the importance of Mr. Holmes' comments on the importance of insisting on the protection of civilians.

There is only one possible solution — a political solution. We believe that a political solution to the conflicts is more pressing today than ever before, as a condition to put an end to the deterioration of the humanitarian situation in the region. Throughout past years — and I believe everyone realizes that — military and armed confrontation has only resulted in greater suffering for civilians and more serious violations of human rights and international humanitarian law.

The time has come for all the parties to work towards a ceasefire and to respond swiftly to peace initiatives. They must also respect the agreements that have been ratified among various parties and implement them. In that connection, we wish to refer to the factions that are still hesitating to participate in the political process. Here we tell them that it is their duty — in all aspects, including religious, political, humanitarian or other — to join in that political process.

In any case, we wish to express our satisfaction at the restoration of normal diplomatic relations between two brotherly countries, Chad and the Sudan. We hope that that normalization represents an important step towards achieving peace in the region. We also express our satisfaction at Mr. Holmes's statement that he had returned from Chad with a certain amount of optimism. We thank him for all his remarks and recommendations.

Mr. Ripert (France) (*spoke in French*): I should like at the outset to thank Mr. John Holmes for his presentation and our colleague the Permanent Representative of Chad for his statement. Those two statements remind us of a harsh reality. The situation of the civilian population in Darfur and in the border region of Chad remains tragic, and it is on that subject that I should like to focus my remarks.

First, I should like to address several problems that arise both in the context of the Sudan and in that of Chad. France's primary concern relates to the impact of banditry and the acts of armed groups on the security of humanitarian personnel. John Holmes quite rightly stressed that point. We firmly condemn those attacks, and those responsible for them must be held accountable. In that regard, we should recall the primary responsibility of host countries for the protection and security of humanitarian personnel.

My second observation concerns the need to respect the civilian and humanitarian nature of the camps; the problem arises in Chad as well as in Darfur. It is unacceptable that armed groups recruit within the camps. I would add that that in no way justifies attacks by Sudanese Government forces against the camps, as we saw in Darfur at Kalma three months ago. That situation illustrates the need on both sides of the border for operations that can effectively protect the population and create a safe environment so as to permit the delivery of humanitarian aid and access by the population to that aid. We will shortly have the opportunity to revisit the subject of Chad when we discuss the second United Nations Mission in the Central African Republic and Chad (MINURCAT II).

My third observation concerns the recruitment of child soldiers, which unfortunately continues to occur on both sides of the border. France appeals to all parties concerned to fully honour their obligations in that regard and, in particular, to cooperate with the Security Council Working Group on Children and Armed Conflict.

I should now like to make a second set of comments, which apply more particularly to the case of Sudan. We are very much committed to compliance by all parties with their obligations under international humanitarian law. I just referred to certain obligations of armed groups. Moreover, we are particularly disturbed to note that recently the Sudanese Armed Forces and their auxiliary militias have continued, despite the new announcement of a unilateral ceasefire by President Al-Bashir, to carry out indiscriminate attacks against civilian populations, including aerial bombardments.

In that regard, this very morning, the Security Council heard a very clear report from the Prosecutor of the International Criminal Court, who referred to continued grave and repeated violations of international humanitarian and human rights law, in particular against the most vulnerable populations, women and children. Furthermore, I should like to recall that the Council has demanded that the Sudanese Armed Forces cease to use white aircraft, which are easily confused with humanitarian and United Nations aircraft. We note that the Sudanese Government undertook clear commitments in that regard during the meeting of the Tripartite Commission in October. We attach the utmost importance to its full adherence to those commitments.

I should also like to emphasize the need for the cooperation of the Sudanese Government with humanitarian workers. Darfur is the site of the largest humanitarian operation in the world. It is unacceptable that the Sudanese Government, which has failed to carry out its responsibility to protect its own civilians, should further aggravate the situation by impeding the activities of humanitarian workers. We note that the Sudanese authorities renewed the moratorium on humanitarian access earlier than they did last year.

But in addition to that, they must put an end to the bureaucratic red tape that non-governmental organizations (NGOs) face daily from junior administrative officials. This red tape is endless; NGOs tell us about it every day. In particular, we deplore the restrictions placed by the Government on the activities of NGOs that have protection programmes, given the scope of the needs in Darfur, where the victims of violence — particularly sexual violence — are innumerable and continuously increasing. In all those areas, the Sudanese authorities, like all the parties, will be judged by their actions, not by their intentions.

Finally, I wish to refer briefly to Chad. First, I refer to the assessment made by Mr. John Holmes, according to whom, despite the difficulties that persist, the situation has improved. France and the European Union — which, together with the Office of the United Nations High Commissioner for Refugees and the Government of Chad, were involved in the establishment of the MINURCAT operation — share in that measured optimism. We highly commend the mobilization of Chadian authorities and civil society and the efforts of international organizations, the United Nations and NGOs, supported by a very strong European commitment.

Moreover, my delegation fully agrees with Mr. Holmes's comment that the return of displaced persons needs to be on a voluntary basis. Mr. Bernard Kouchner, Minister for Foreign Affairs of France, recently went to eastern Chad to evaluate the situation. He had occasion to see for himself that voluntary returns, while certainly still limited, were taking place locally. The discussion about the voluntary nature of returns cannot, however, be used as an excuse to conceal the sometimes too slow response by certain United Nations agencies in assisting returns through appropriate emergency relief activities.

Finally, when the Council prepares to soon discuss the resumption by the United Nations of the European Union military operation — EUFOR — I should like to offer France's support for Mr. Holmes's observations about the importance of the international presence and of the integrated Chadian security force in the protection of civilian populations. We must not waver in our efforts in that regard. Just a moment ago, the Permanent Representative of Chad reiterated his hope for the continued mobilization of the Security Council. We must shoulder our responsibilities by responding favourably to that request.

Ms. DiCarlo (United States of America): I too would like to thank Under-Secretary-General Holmes for his briefing today. I would also like to express the deep gratitude of the United States for the work of the United Nations humanitarian workers and representatives of non-governmental organizations that are helping vulnerable populations in the Sudan and Chad.

I shall make a few comments on the Sudan. Both the Under-Secretary-General and the Secretary-General, in his 17 October report (S/2008/659), paint a grim picture of the situation there. Despite the 2007 joint communiqué and multiple promises of ceasefire, military operations and banditry against civilians and aid workers in the Sudan are on the rise. Since January, 230,000 civilians have been forced to flee violence, and violence against aid workers in the first eight months of 2008 surpassed the totals in 2007. Hijackings, kidnappings and break-ins have forced some non-governmental organizations to suspend work in the region. The United States joins others in urging the Government of the Sudan to prevent such attacks,

to honour its promises of ceasefire, to adhere to monitoring mechanisms and to fulfil its responsibility to protect civilian populations and humanitarian relief workers.

The United States places a high value on humanitarian assistance and humanitarian programmes designed to improve the protection of civilians and prevent gender-based violence in Darfur.

Since 2004, the United States has contributed more than $3 billion for humanitarian programmes in the Sudan and eastern Chad. We are deeply disturbed that the Government of the Sudan continues to harass international non-governmental organizations operating in Darfur and impedes their work. The Government of the Sudan must fully support humanitarian programmes designed to address the safety of populations made vulnerable by the ongoing conflict.

The United States also expresses grave concern regarding the situation of refugees and internally displaced persons (IDPs) in Chad. We urge the Government of Chad to maintain the integrity of the refugee and IDP camps in eastern Chad, prevent the recruitment of refugees by armed groups and expedite the deployment of Chadian gendarmes to refugee and IDP camps in eastern Chad.

We continue to support a follow-on mission to succeed the current United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union-led military force in Chad and the Central African Republic (EUFOR), whose mandates are set to expire in March 2009. We believe their activities are critical to the security of vulnerable populations and humanitarian workers and applaud the sacrifices made by MINURCAT and EUFOR personnel.

We note that the Governments of Chad and the Sudan are making efforts to normalize relations. We support the Chad-Sudan contact group and the Government of the Libyan Arab Jamahiriya facilitating these efforts. However, much more progress is needed. We continue to urge Chad and the Sudan to immediately cease support for opposing rebel groups in the region and implement the Dakar agreements and previous accords.

We call on all parties to respect the rights of civilian populations in eastern Chad and in the Sudan.

Mr. Grauls (Belgium) (*spoke in French*): I would also like to thank the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes, for his very informative, detailed and nuanced briefing on his recent travels to Chad and the Sudan. I would also like to thank him and his team for having undertaken this mission. My thanks, of course, are also extended to the Permanent Representative of Chad for being here and for what he said.

I would like briefly to make a few comments after having listened to the statement made by Mr. Holmes. First of all, on Chad, the humanitarian and security situation in the country remains very precarious, in spite of some improvements that were encouraging and were pointed out by Mr. Holmes. That is why Belgium earnestly supports the assumption of the activities of the European-led military force in Chad and the Central African Republic (EUFOR) by a United Nations peacekeeping mission and awaits the proposals of the Secretary-General in his report to be issued soon.

Belgium is in favour of a rapid and effective insertion of MINURCAT II in Chad and also in the Central African Republic and for the speeded up normalization of relations between Chad and the Sudan. These developments could certainly have a positive impact on the situation the east of the country.

Regarding his trip to the Sudan, I would like to make the following comment. My delegation notes that the substance of the message made by Mr. Holmes has, unfortunately, not really changed. In spite of statements and promises, the humanitarian situation is not improving. Violence against the civilian population continues to grow every day, and we have just heard that since the beginning of 2008 more than 300,000 additional persons have been displaced following indiscriminate attacks by the Sudanese forces supported by allied militias and rebel movements. The Permanent Representative of France has just referred to this as well.

This situation is in striking contrast to the efforts stated to relaunch the peace process and to speed up the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). Belgium deplores the fact that the unilateral ceasefire proclaimed by the President of the Sudan has not had any effect in the field, either from the Government side or the rebel movements, which on both sides continue

their military strategies in direct contradiction to their oral commitments.

We call once again on all the parties, not only to work sincerely towards a rapid ceasefire and end of hostilities but, above all, to give absolute priority to the protection of the civilian population. In this context, we welcome the extension by the Government of the Sudan of the moratorium on the facilitation of humanitarian assistance to Darfur until the end of 2010. At the same time, however, we call upon the Government to implement this document, concretely and systematically, so that humanitarian organizations can really carry out their work effectively.

Belgium would like to reiterate its request to the Sudanese authorities to cooperate fully with the United Nations and to implement all of their commitments to expedite the deployment of UNAMID so that its mandate to protect civilians can be fully implemented.

Finally, as regards the situation in southern Sudan, we agree with Mr. Holmes to the effect that the resolution of security questions, among others, around the town of Abeyei, is a basic condition in order to make progress in a significant manner in the humanitarian sphere. Furthermore, the population is still waiting impatiently for the peace dividends, for example, in terms of infrastructure and social services.

Finally, I would like to express my delegation's greatest appreciation for the humanitarian work done by the United Nations and non-governmental organization staff in Chad and the Sudan under extremely difficult circumstances.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): Like our colleagues, we would like to thank Under-Secretary-General Holmes for his comprehensive briefing on the humanitarian situation in Chad and the Sudan subsequent to his recent trip. We listened with interest to the statements made by the Permanent Representative of Chad, too. We support the activities of Mr. Holmes and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in carrying out the tasks that have been entrusted to them.

We agree with concerns expressed as to the serious worsening of the humanitarian situation in that region. Recent events, unfortunately, have caused an additional rise in the number of refugees and internally displaced persons (IDPs) in those countries, and it is obvious that the stricken population is in need of humanitarian cooperation on the part of the international community. We are convinced that effective, coordinated participation by the United Nations, especially that of the Office for the Coordination of Humanitarian Affairs (OCHA) and other humanitarian agencies, as well as from the International Committee of the Red Cross (ICRC) and non-governmental organizations, will help significantly to alleviate the suffering of civilians.

We believe that ensuring safe and unhindered access to humanitarian staff and humanitarian supplies to the stricken areas is a key factor for effective humanitarian assistance. We are for eliminating unjustified administrative barriers that make it more difficult to get supplies to the population. In this connection, we note the efforts that have been undertaken in this area by the Governments of the Sudan and Chad. These should be continued and developed.

We categorically condemn the attacks of armed groups and bands on humanitarian workers. They must be stopped immediately. It is fundamentally important to ensure the demilitarized status of refugee and IDP camps. Access of foreign humanitarian staff is only one of the aspects for carrying out tasks of this effective assistance. It should not be a goal in and of itself. The overall coordination of actions, including determining priorities, rules, resources and itineraries for transporting assistance, and also the choice of partners, is the prerogative of the receiving country's Government. We are certain that the international community and all humanitarian partners — the United Nations and non-governmental organizations — must respect the sovereignty of the host country.

In this context, we would like once again to emphasize the imperative need of the commitment of the international humanitarian community to the basic principles of lending humanitarian emergency assistance with neutrality, humanitarianism, objectivity and independence.

We are convinced that an effective improvement of the humanitarian situation, including in the Sudan and Chad, will be possible only through the adoption of a comprehensive approach. This must entail the creation of the necessary security conditions in the eastern part of Chad, an internal political settlement in that country, a solution to the problems of the cross-

border movements of armed groups and the normalization of the situation in the subregion as a whole.

In this connection, it is of course important to maintain positive momentum in the process of establishing normal inter-State relations between Chad and the Sudan. We support in this context the efforts of the African Union, the contact group of African countries and the Libyan Arab Jamahiriya in monitoring the implementation of the Dakar agreements and previous agreements, and we trust that these efforts will be pursued.

It is important to ensure interaction between the United Nations Mission in the Central African Republic and Chad, the European Union-led peacekeeping force and the African Union-United Nations Hybrid Operation in Darfur. All opposition groups in Darfur, especially armed groups, must join the peace agreement immediately and constructively participate in the political process.

I absolutely agree with those colleagues who emphasized before me the key importance of progress in the political arena in Chad, in the Sudan and with regard to relations between them. Such progress would not only promote the stabilization of the security situation, but also help in dealing with the humanitarian situation, in maintaining uninterrupted humanitarian supplies, in protecting the civilian population and in promoting the safe and voluntary return of internally displaced persons to their homes. That would promote solutions to a whole series of humanitarian problems in the region through the active coordinating role of the United Nations.

Mr. Suescum (Panama) (*spoke in Spanish*): More than five years after the start of the conflict in Darfur, we are in a critical situation, with significant progress being made in the political process and the deployment of the hybrid operation. Actions taken by the Sudan, the countries of the subregion and the international community will, to a large extent, define the future of that region.

In this context, we consider the recent visit to the Sudan and Chad by Under-Secretary-General John Holmes to have been timely, and we thank him for his detailed briefing on his visits. We are also grateful to the Permanent Representative of Chad for his comments and welcome his presence here in this Chamber.

There is no doubt that we must achieve a permanent ceasefire and political settlement to the conflict in Darfur. Nevertheless, protecting the population is a matter of immediate importance. For this reason, Panama welcomes the cooperation of the Government of the Sudan in speeding up bureaucratic procedures relative to humanitarian actors, and we are confident that these will be duly implemented.

Despite efforts to improve the humanitarian situation, the recurrence of crimes committed against humanitarian personnel and operations in Darfur and eastern Chad is reason for concern. We strongly condemn these attacks and underscore the need to bring those responsible for these crimes to justice.

We reiterate that protecting civilians and humanitarian workers is primarily the responsibility of the Governments of the Sudan and Chad, but this does not exempt armed groups from their obligations under international humanitarian law. We urge the parties to the conflict to grant unrestricted access to humanitarian actors, so that they can provide humanitarian assistance to the communities that need it.

The scale of the conflict in Darfur must not distract us from the civilian population in southern Sudan. We applaud Mr. Holmes' visit to Abiye and Juba aimed at encouraging the donor community and the Government of southern Sudan to deal with the most pressing humanitarian needs of the population there. We encourage Mr. Holmes and Members of this Organization to continue to devote their best efforts to hasten the return of displaced persons and to promote development in the region.

Furthermore, and with a view to minimizing the impact of the Darfur crisis on the security and humanitarian situation in eastern Chad, close cooperation between the Government of Chad and the international community is essential. We wish to highlight the tireless efforts in this regard carried out by the European Union-led peacekeeping force (EUFOR) in Chad and the Central African Republic and the elements of the Détachement integré de securité, which is already deployed. The security vacuum that could occur upon the completion of the EUFOR mandate could place civilians at risk. We believe that, given the fragile security situation, it is essential that a robust United Nations military force replace EUFOR at the end of its mandate in March 2009.

Mr. Natalegawa (Indonesia): Allow me first of all to join previous speakers in welcoming once again Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, to the Security Council, and in thanking him for his comprehensive briefing. We also appreciate very much the statement made by the Permanent Representative of Chad.

We share the view that the humanitarian situation in the regions that the Under-Secretary-General visited remains difficult in both the context of unresolved conflicts and in the immense size of the humanitarian needs. We value the work being done by the humanitarian community in Chad, in the Darfur region of the Sudan and in southern Sudan. This work needs to take place in an uninterrupted manner while the search for a political settlement continues or, in the case of southern Sudan, the peace is maintained.

The protection of civilians is a priority for the international community. It was the threat posed to civilians by the outbreak of conflicts that brought about the international community's involvement in these regions. Towards that end, the rapid deployment of peacekeeping missions in Chad and Darfur becomes a matter of utmost urgency. Equally important is support for the efforts of regional countries and the African Union.

In Darfur, we look forward to the resumption of the political process under the leadership of Joint Chief Mediator Djibril Bassolé. We welcome the Sudan's declaration of a ceasefire. Pending the establishment of a more structured ceasefire mechanism, we believe that all parties in Darfur should unilaterally cease hostilities. The international community should continue to encourage this outcome. A rapid political settlement of the conflict in Darfur offers the potential to improve the humanitarian situation in the region. There is also the hope that an improvement in Chad-Sudan relations would contribute to the forging of peace on both sides of the border.

We deplore all attacks against humanitarian workers. We are appalled that the number of those attacks in Darfur this year has doubled from last year. Incidences of carjackings are also worrisome; not only are humanitarian organizations losing their assets, but worse, these vehicles usually end up being used for military purposes. We underscore that most of these attacks are reported to have been perpetrated by the rebel movements. We therefore join the call for them to stop these acts and remind them that these acts could constitute war crimes.

Close cooperation between the Government of the Sudan and the humanitarian community could contribute greatly to improving the humanitarian situation. Above all, it is the Government of the Sudan that has a responsibility to protect humanitarian workers in its country, and we look to it to take every measure to do so. For humanitarian efforts to be successful, the well-established international principles of humanitarian assistance should always be observed.

Finally, we must not lose sight of the development perspective. In almost every case of conflict, poverty and underdevelopment are typically present — and, indeed, are frequently the root cause of the conflict. The parties to a conflict need to be assured that the dividends of peace will be real and that the international community will assist them in establishing sustainable peace.

Mr. Tiendrébéogo (Burkina Faso) (*spoke in French*): Allow me first of all to thank Under-Secretary-General Holmes for his briefing on the humanitarian situation in the Sudan and Chad. We are especially grateful to him for visiting the region, which of course has enabled him to have first-hand information. We would also like to thank the Permanent Representative of Chad for his important statement.

With regard to Chad, we are especially concerned about the precarious state of the overall security situation in the country, especially the ongoing acts of violence and killings of humanitarian staff, in particular in the East. Acts of banditry, clashes between communities, the militarization of camps and forced recruitment, especially of children, call for action by the Security Council and the international community as a whole. The end of the mandate of the European Union military operation in the Republic of Chad and in the Central African Republic in March 2009 is further reason for that. We hope that the new United Nations Mission in the Central African Republic and Chad (MINURCAT II) will be in a position to meet the many expectations we all have for it.

The effective deployment at the beginning of November of the integrated security detachment in four areas in eastern Chad and the training of gendarmes and police by MINURCAT are encouraging steps in making camps for refugees and displaced persons safer.

We hope those initiatives will be extended to other sites.

We commend the Government of Chad for its efforts to combat banditry, for that is the only way we can promote the return of refugees and displaced persons in the long-term, as well as the success of development policies. We encourage the Government to continue its efforts in that regard.

Given the many challenges faced by the people of Chad, we encourage donors to make additional efforts, especially by responding to the appeal launched at Geneva on 19 November 2008 by the Under-Secretary-General, which was reiterated this afternoon by Mr. Holmes.

With regard to the Sudan, despite the signing of a ceasefire agreement between the authorities and rebel groups and the staffing increase in the African Union-United Nations Hybrid Operation in Darfur (UNAMID), there is still a great deal to be done, in particular in the humanitarian area. We urge the Government and the rebel forces to do their utmost to ensure the protection of civilians and the freedom of movement for humanitarian staff. In that regard, we commend the constructive spirit in which Mr. Holmes engaged the Sudanese authorities during his visit.

The ongoing deterioration in the humanitarian and security situation in camps for refugees and internally displaced persons in Darfur, the eastern part of Chad and the north-east of the Central African Republic requires intensified efforts by the entire international community, especially by the Security Council. MINURCAT and UNAMID should further coordinate their efforts to strengthen their presence in the camps and regions bordering Chad and the Sudan.

Lastly, we welcome the normalization of diplomatic relations between Chad and the Sudan. We hope that that will contribute to improving the humanitarian situation and, in general, establish peace and security in the subregion. We also hope that similar significant progress will be achieved, especially before the next meeting of the contact group on the implementation of the Dakar agreements.

I cannot conclude without thanking humanitarian personnel for their daily efforts on behalf of civilians, who risk their lives every day under difficult conditions.

Ms. Pierce (United Kingdom): May I join others in thanking the Under-Secretary-General for his briefing to the Security Council on these important issues. It was also very good to have the opportunity to hear from the representative of Chad. I would also like to begin by echoing what was just said by the representative of Burkina Faso and thank the members of United Nations humanitarian missions around the world who risk their lives to do this important work.

As other speakers have noted today, the humanitarian situation in the region we are discussing remains of grave concern. I should like to turn to the Sudan first.

My Government remains deeply committed to helping the Sudanese people. We are the second largest bilateral donor. We have given over $700 million in humanitarian aid to the Sudan, over $250 million of which has been allocated to Darfur. As we have seen, many members of the Council have today shared the Under-Secretary-General's concern with regard to the situation there, in particular as regards problems of security and access to humanitarian aid. Despite all the Council's efforts, those problems continue to worsen. This past year alone, 11 relief workers have been killed and 261 humanitarian vehicles have been hijacked. I think we would all agree that that is unacceptable. It is the duty of all parties to facilitate humanitarian access and to commit to an unconditional ceasefire. It is also worrying, as we heard from the Secretary-General recently, that it appears that the Government has already broken the recently announced ceasefire.

The moratorium on restrictions to humanitarian assistance in Darfur has been renewed until 31 January 2010. That is welcome. The announcement was made by the Government of National Unity on 18 November, but it is still the case that there continue to be bureaucratic impediments to the work of humanitarian agencies operating in Darfur. That is very disappointing. A number of Council colleagues have drawn attention to that issue today. I would like to invite them to join me in calling on the Government of the Sudan to abide by the terms and spirit of the joint communiqué on humanitarian access. There is a need to ensure tangible improvements in humanitarian access, not just in Darfur but also across the entire country.

We also look to the Sudan to make a firm commitment that humanitarian operations and the

safety of humanitarian workers will not impacted by any pending announcement by the International Criminal Court (ICC). That was a theme to which I drew attention in the United Kingdom's statement during the Council's meeting in the Chamber this morning on the ICC and the Sudan.

Turning to South Sudan, it is important that we have the full commitment of the Government of South Sudan to the recovery process. My Government has committed approximately $500 million to projects in South Sudan since the Comprehensive Peace Agreement was signed in January 2005. We welcome the launch of the Sudan Recovery Fund for Southern Sudan. We plan to provide another $70 million to cover it over the next three years.

Turning to Chad, if I may, the humanitarian situation remains precarious for refugees, internally displaced persons and the host population. It demands continued, consistent and sustained humanitarian engagement. As we have heard today, it is also true that the delivery of aid continues to be disrupted by insecurity. Clearly, we need to give priority to ensuring that that comes to an end.

Mr. La Yifan (China) (*spoke in Chinese*): We would like to thank Under-Secretary-General Holmes for his briefing on the humanitarian situation in the Sudan and Chad. We would also like to thank the Permanent Representative of Chad for his presence and his remarks.

China has followed closely the security and humanitarian situation in the Sudan and Chad. Armed conflicts result in the deterioration of the humanitarian situation. That is common in many hotspot regions. Experience has shown that it is only by establishing a peaceful environment that humanitarian crises can be resolved comprehensively.

The humanitarian situation in the areas along the border between the Sudan and Chad is closely linked to their bilateral relations. When those relations improve, the tension in the border areas of the two countries can be expected to ease. We welcome the efforts of the Sudan and Chad to improve their bilateral relations. They have completed the process of normalization and the exchange of ambassadors. Both sides also plan to conduct joint patrols along the border, which we hope will help to improve the humanitarian situation there.

We are concerned about the safety of humanitarian relief organizations and personnel. We condemn attacks on them and urge all parties concerned to refrain from attacking international humanitarian relief organizations and personnel and to facilitate their access. We also call on the international community to continue to provide humanitarian assistance to the Sudan and Chad.

The humanitarian crisis is one aspect of the Darfur issue. Its root cause is the armed conflict in that region. The most urgent need in Darfur is to achieve a comprehensive ceasefire and to seek a political solution to the crisis. We support the mediation efforts of the United Nations and the African Union to find a political solution to the Darfur conflict. We hope that the concerted efforts of all sides will create the peaceful environment necessary to alleviate the humanitarian situation in Darfur.

Mr. Hoang Chi Trung (Viet Nam): We wish to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing. We are also very grateful to the Permanent Representative of Chad for his statement.

My delegation shares the concerns expressed about the grave situation in Chad and the Sudan, especially the plight of the affected population in Darfur, where 4.5 million people still live in dire need of humanitarian assistance. The sexual and gender-based violence against women in Chad and the Sudan is also alarming. We are particularly concerned about the banditry, carjacking and armed attacks on relief workers in Darfur.

We categorically condemn all those violent acts against relief workers in Darfur and support investigations to bring the perpetrators to justice. We urge all parties concerned to fully respect international humanitarian law and ensure the safety of United Nations staff and humanitarian workers.

Viet Nam welcomes the improvement in relations between Chad and the Sudan, especially the recent exchange of ambassadors between the two countries. We hope that this will be a major contribution to the consolidation and improvement of the security and humanitarian situation in the subregion.

We take positive note of the Sudanese Government's 17 November extension of the

moratorium on fast-track procedures for humanitarian workers in Darfur until 31 January 2010. We believe that this step will help to enhance the delivery of much-needed humanitarian assistance to the affected population in the region and facilitate humanitarian operations. This momentum of cooperation should be further encouraged.

Viet Nam highly appreciates the efforts made by the humanitarian community, especially the United Nations Office for the Coordination of Humanitarian Affairs, in cooperating with the respective Governments of Chad and the Sudan to improve the humanitarian situation in the subregion. In this connection, we commend the visit by Under-Secretary-General Holmes to Chad and the Sudan in November. We welcome the launching on 20 November of the United Nations work plan for the Sudan and call on the international community and donors to respond actively and to extend the resources necessary to expedite the plan's implementation.

Finally, we are of the view that better coordination and cooperation between the United Nations missions in the subregion — the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad — will have help to improve the humanitarian situation in Chad and in the Sudan. The root causes of the conflict and their concomitant humanitarian disasters must be addressed by reviving the political process, encouraging national reconciliation and promoting socio-economic development in both Chad and the Sudan.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): Like those who have spoken before me, I thank Under-Secretary-General Holmes for his briefing on his visit to Chad and the Sudan, which gave us a clearer picture of humanitarian operations on the ground and an analysis of the factors directly affecting the protection of the civilian population and the work of humanitarian agencies.

I also wish to thank the Permanent Representative of Chad for his presence and his statement.

With regard to the situation in Chad, we share Mr. Holmes' concern over the lack of security caused by the criminal activities of bandits against the civilian population and humanitarian workers. We are all the more concerned because the bandits operate with almost complete impunity. We commend the work of the European Union Force in Chad to improve security and hope that the transition to the second United Nations Mission in the Central African Republic and Chad (MINURCAT II) and the deployment of more United Nations personnel will lead to an even deeper improvement with regard to the protection of the civilian population. Costa Rica will work with other delegations in determining the mandate of MINURCAT II so as to further improve security around the camps for refugees and displaced persons.

My delegation also shares the Under-Secretary-General's assessment of the vicious circle of impunity in the harassment of and violence against humanitarian workers and civilians. We were pleased to note that Mr. Holmes raised that matter with the authorities of Chad, and take this opportunity to call on that Government to take firm steps to strengthen its investigation and justice mechanisms. We also recall that MINURCAT is presently mandated to assist the Government of Chad in promoting the rule of law, and we invite that Government to take advantage of the support of the international community to fight effectively against impunity. My delegation firmly condemns the recruitment of children by armed groups.

With regard to the Sudan, we share the Under-Secretary-General's concern over the deterioration of the security situation in rural and urban areas, and particularly in displaced persons camps. We agree that a real and verifiable ceasefire between the Government of the Sudan and the rebel groups is essential if humanitarian assistance is to be more effective.

The initiative of the Government of the Sudan to declare a unilateral ceasefire on 12 November was, in our view, a positive step, but that it has yet to translate into any real improvement in the situation on the ground for people receiving humanitarian assistance and the personnel delivering it.

We also share Mr. Holmes' concern over the increase in attacks on and harassment of humanitarian workers. We recall that the work of those individuals has a direct impact on more than 4.5 million people in the Sudan. It is incumbent on the Government of the Sudan to protect those who deliver assistance. We also agree on the importance of all parties to the conflict recognizing and observing the humanitarian principles and norms of international humanitarian law. Improvement in the Sudan, especially in Darfur, depends on the actions of the parties and these must

have, at the point of departure, a clear commitment to those principles and rules.

I wish to refer to the situation of persons living in displaced persons camps. I would like to ask Mr. Holmes what his assessment is of the situation of those persons and the plans in effect for their future.

My delegation takes note of the establishment of diplomatic relations between Chad and the Sudan and we recognize the efforts of the contact group and the Government of Libya in this regard. We hope that improvements in relations between both countries will have positive and concrete effects on the security situation in the border areas and, consequently, on the humanitarian situation.

We reiterate once again that the obligation to protect civilians is primarily an obligation of States. Therefore Chad and the Sudan must do whatever is necessary to honour that obligation. The rebel groups must also implement their obligations in that regard.

My delegation would like to express, once again, our support for the recommendations of the Secretary-General contained in his most recent report on the United Nations Mission in the Sudan (S/2008/662). In this regard, the Security Council is considering convening an important debate on measures relative to the protection of civilians under imminent threat.

Finally, we hope that the next debate on the protection of civilians will offer us an opportunity to discuss this important issue.

Mr. Mantovani (Italy): I wish to thank Under-Secretary-General Holmes for his briefing and commend him on the extremely vital work he has carried out during his visit and to encourage the humanitarian community operating in such difficult circumstances, which the Council witnessed directly some months ago.

I also thank the Permanent Representative of Chad for his contribution to our discussion.

The briefing has conveyed the disturbing message that five years since the breakout of conflict in Darfur, the situation continues to be critical and we need to prepare ourselves for massive, long-term involvement.

The situation in Chad is also difficult because of banditry, as we just heard. The deployment of the European Union-led peacekeeping force and the United Nations Mission in the Central African Republic and Chad has made an important contribution to improving security in the region as well as in the refugee and internally displaced persons camps. These results must be consolidated by maintaining an effective international presence. More promising is the situation in southern Sudan, where problems in the implementation of the Comprehensive Peace Agreement are reflected in people fleeing and security conditions.

The humanitarian crisis in the Sudan and Chad were produced by the conflict, and we share fully Under-Secretary-General Holmes' view that we need to reinvigorate the peace process for Darfur and that all parties need to comply with the monitored ceasefire. We also agree with Under-Secretary-General Holmes that access, protection, as well as the security of humanitarian workers, are of crucial importance.

We just heard that the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has been able to make a difference in the Kalma camp. We hope that UNAMID can strengthen its presence in other camps as well. However, a solution to the current access and security problems lies not only in the full deployment of international forces, but also in greater efforts by Government authorities and full respect of international humanitarian law by all parties, including the rebel movement.

Italy is pleased to see progress in the cooperation between the Sudanese Government and UNAMID. In the humanitarian sector, we welcome the extension of the moratorium on fast-track procedures for humanitarian workers in Darfur, while calling for its full implementation.

I would like to add a few words on Italy's commitment to the stabilization process in the Sudan. In the framework of our pledge at the 2005 Oslo Donors' Conference, my Government has disbursed an average of €20 million Euros per year.

Before concluding, I would like to raise two more points. The long-term solution to the humanitarian problem depends on the return of 2.7 million people displaced by the fighting. Their return must be voluntary. How can we facilitate the conditions for their return? We are also concerned about land and property issues and an ensemble of issues important for the daily life of these people.

We also noticed a reference in the briefing to the significant impact on the environment of the current conflict, which in itself a consequence, at least in part, of scarcity of natural resources. Is there any room for greater attention to this dimension of the crisis by the humanitarian community?

Mr. Kumalo (South Africa): Allow me also to thank Mr. Holmes for his briefing and to welcome our colleague, the Permanent Representative of Chad, to this meeting.

I think that other speakers have made it clear that we support the humanitarian workers, who are really the face of the United Nations on the ground, and we worry about their safety in that very difficult environment.

We wish to reiterate that the final solution will come about when we have both a political process in place on the ground and the security that is necessary. We are delighted by the normalization of relations between Chad and the Sudan and hope that this normalization will lead these two friendly countries to find a way to resolve the problems between them.

The President: I will now make a statement in my capacity as the representative of Croatia.

Croatia joins other delegations in thanking Mr. Holmes for all the work he has done and for his briefing today about his most recent trip to Chad and the Sudan. I would also like to welcome the Ambassador of Chad and thank him for his statement.

It was only this morning that we were briefed on the Sudan from another angle, that is, its lack of cooperation with the International Criminal Court. Now, we have heard in graphic detail what the situation is in this country and about the ongoing suffering of the population, especially that of refugees and the internally displaced persons (IDPs), many of whom are women and children.

What we have heard is very disturbing and I echo other delegations who have expressed their serious concerns and indignation.

If anything, this briefing has assured us that the international community needs to invest more efforts into bringing a political solution to this conflict, and ending impunity for all war crimes will certainly help in this process.

As has been proven time and again, there is no lasting peace without justice, and any suggestion to the contrary is hollow and without merit. The humanitarian situation in neighbouring Chad is also affected by all of this. A large number of refugees and IDPs are living in precarious and often unsafe conditions and their human rights are not always protected.

We understand that the Government of Chad is under a great deal of pressure, but we believe that it should further increase its investment in creating a viable political dialogue that will bring an end to the conflict and restore the normality that is so needed in order to be able to address humanitarian and development issues. We are encouraged by Mr. Holmes' optimistic assessment of the situation in Chad over the past 12 months and we hope this trend will continue.

We hope that the recent rapprochement between Chad and the Sudan will also help bring positive change to the humanitarian situation.

Finally, my delegation would like to express its deep gratitude to the United Nations Office for the Coordination of Humanitarian Affairs, under the leadership of Under-Secretary-General Holmes, as well as to all other humanitarian entities and workers, for their unwavering commitment to alleviate the suffering of affected civilians under very challenging conditions.

I now resume my functions as President of the Council.

I now give the floor to Mr. Holmes to respond to comments and questions raised.

Mr. Holmes: I shall just to respond briefly to some of the points raised.

First, I am very grateful for the support that has been expressed around the table this afternoon for humanitarian efforts and for the heroism and courage of humanitarian workers, in both Darfur and Chad. I was also very grateful for support expressed in many quarters for what I was saying about issues such as access, the importance of the protection of civilians and efforts in that area, including the problems of gender-based violence, the importance of maintaining the civilian and humanitarian nature of refugee and IDP camps, the importance of speeding up administrative procedures and reducing administrative obstacles to humanitarian work, including implementation of the moratorium on restrictions,

which has just been extended, and the responsibility of Governments to facilitate humanitarian work and protect humanitarian workers, including not least, for example, stopping the phenomenon of banditry, which is common to both Darfur and eastern Chad. I also noted the primordial importance given by virtually all speakers to the need for a ceasefire that is respected by all sides and urgent efforts to produce a political settlement. I hope that the Governments concerned and the rebel movements also will listen to these messages coming from the Council.

Let me also take this opportunity to echo and agree with what was said by many people around the table about the importance of relations between Chad and the Sudan and the improvement that we have seen in recent weeks. I was able to discuss this in both capitals, and I did note that there was a certain cautious readiness on both sides to make a fresh start on the basis of the Dakar Agreement, which has started with the exchange of ambassadors and which was noted by many speakers. I hope it will be followed shortly by the deployment of the agreed border contingents on both sides of the long border between the two countries. As people have said, that is absolutely fundamental if there is to be any chance of a peaceful settlement in Darfur and stabilization of the region.

The representative of France raised the issue of the protection of the civilian and humanitarian nature of the camps but made the point that that does not excuse attacks against the camps. He referred to the particular case of the very tragic incident in August of this year in Kalma camp in south Darfur, when 33 IDPs were killed and many more injured. I simply wanted to echo that point. That issue was very fresh in the minds of the people in Kalma camp whom I met. I was also able to discuss it with the authorities in south Darfur and in Khartoum and to remind them that there was still a need for a proper investigation of that incident.

On the question of returns of IDPs in eastern Chad, the representative of France suggested that sometimes the United Nations might have been too slow in responding to that phenomenon and accompanying those who were returning. I wanted to assure him that we do recognize the importance of providing assistance to those who are returning and making sure that some basic services are in place. In the place I visited — which was also visited recently by Minister Kouchner — I think we are beginning to do that, both on the part of United Nations agencies and non-governmental organizations. The only note of caution I would raise is that we need to be careful that we actually maintain the full processes of consultation and voluntariness on the part of the IDPs themselves and do not get ourselves into a position where we appear to be putting undue pressure on people to return before they genuinely think it is safe to do so.

The representative of the Russian Federation reminded us that humanitarian assistance is there to support Governments and needs to respect their sovereignty fully. I simply want to assure him that we fully recognize that ourselves. We also recognize, as many people around the table commented this afternoon, that the fundamental responsibility for the safety and security of their own citizens and also of humanitarian workers rests with the Governments concerned.

The representative of Costa Rica asked about the prospects for the people in the camps and the plans for their future. I think the representative of Italy made a similar comment about how we can encourage and facilitate returns. I think the first thing to say is that, obviously, we are fully in favour of people in camps, whether they are refugees or IDPs, returning to their places of origin as soon as they possibly can. As I said in my own remarks, life in camps is dehumanizing, demoralizing and damaging to any prospects of normality in the future, and becomes more so the longer it goes on. Therefore, we encourage returns as soon as possible. But the basic conditions for those returns have to be in place, the most basic condition being security. That is the issue that is raised constantly with me. Whenever I go into a camp and talk to people, they say "Of course we want to go home, but we can't go home until we feel safe when we do."

There is also the question of the provision of basic services like health and education and other parts of infrastructure when people return home, but the basic requirement is security. I think what that means is that it is difficult to imagine wholesale return of people from camps in either Chad or Darfur until there is a proper peaceful settlement. In the meantime, if there are people who wish to go home, and if there are areas that have become safe and are seen as safe by the inhabitants of the camps themselves, that is entirely welcome, and we will certainly help those concerned to return. We have no hesitation about that; we think it is a positive development.

I think another important part of this, which I did refer to briefly in my remarks, is the possibility of locally led reconciliation efforts between different communities, which have very often gone through very traumatic times in the past few years, whether in Chad or Darfur. If such reconciliation efforts can be maintained and pursued, if communities can reach agreement between themselves about living together peacefully in the future, that facilitates the question of return as soon as possible.

A related question was raised by the representative of Italy with regard to land and property rights. There is no doubt in my mind that, in the context of discussions about a settlement in Darfur, those issues are fundamental, as they are in many other circumstances. We need to make sure we have done all the homework necessary to try to resolve those issues so that when people do start to return home in large numbers, any conflict between them and other people who may have occupied their land or been using their land for grazing in the meantime can be resolved peacefully and that there are proper dispute-resolution mechanisms in place. These issues are absolutely fundamental in this context, and we need to have them fully in mind.

The representative of Costa Rica also mentioned the protection of civilians and the need to continue the debate on that. I entirely welcome the possibility of continuing that discussion — what it means, how important it is and how we can do things about those areas — within the context of the debate on the protection of civilians, which we will be having, I think, in January. I look forward to that very much.

Finally, the last point raised by the representative of Italy was a question about the environment, which I did touch on briefly. I was shocked at some of the things I saw and heard while I was in Darfur this time, but also in eastern Chad. For example, in south Darfur, the site of Kalma camp used to be a forest. There are now virtually no trees visible in any direction around the camp, apart from those that are useless. In fact, the camp is littered with the trunks of trees that have been felled and are being used for various purposes. The environmental damage being done there, and in areas around other camps in south Darfur, is very considerable. Environmental experts I met raised the point that if we do not do something about this now, by the time the conflict is resolved the damage may have become irreversible.

I think this is a very important point we need to bear in mind: the damage to timber because of urbanization and the need for firewood and the damage to water resources caused by concentrations of IDPs in certain places. And not least, we have to bear in mind the large-scale presence of the international community. Peacekeeping forces and humanitarians also contribute to this. More buildings are needed and more water and timber are consumed, so we have a particular responsibility to start to tackle these environmental issues now, rather than waiting until the end of the conflict, at which stage it will be much more difficult to resolve them.

Thank you very much, Mr. President, for the opportunity to respond to those points.

The President: I thank Under-Secretary-General Holmes for the clarifications he has provided.

There are no more speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5 p.m.

United Nations S/PV.6030

Security Council

Sixty-third year

Provisional

6030th meeting

Wednesday, 3 December 2008, 5.10 p.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Costa Rica	Mr. Urbina
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-63224 (E)

The meeting was called to order at 5.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: I should like to inform the Council that I have received a letter from the representative of Israel, in which she requests to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Shalev (Israel) took a seat at the Council table.

The President: I should like to inform the Council that I have received a letter dated 3 December 2008 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2008/755 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council, which will be held on Wednesday, 3 December 2008, regarding the situation in the Middle East, including the Palestinian question."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting, in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to a letter dated 2 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, which will be issued as document S/2008/754. I should also like to draw the attention of Council members to another letter dated 2 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, contained in document S/2008/753.

I now give the floor to the representative of the Libyan Arab Jamahiriya.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I shall begin with a brief review of the situation that has led me to ask the Council to convene.

On the morning of Monday, 1 December 2008, the Libyan ship *Al-Marwa* was headed for the port of Gaza loaded with humanitarian aid — specifically, flour, rice, vegetable oil, dairy products and medicine — destined for the population of the Gaza Strip, which has been under an almost total siege by the Israeli authorities for several weeks. As the Council is aware, Israeli authorities have even prevented the United Nations Relief and Works Agency for Palestine Refugees in the Near East from delivering assistance to the Gaza Strip. While en route to the port of Gaza, the *Al-Marwa* was intercepted by two Israeli gunboats, which initially simply collected information about the crew and cargo; then they ordered it to return from where it came, explicitly threatening to destroy it if it failed to comply with that order.

At that time, I informed the President of the Security Council of the incident in order for the issue to be brought before the Council for the urgent action necessary to permit the ship to enter the port and unload its cargo. In my letter to the President (S/2008/754), I made it clear that Libya would accept inspection of the ship by the United Nations or by any humanitarian organization, such as the Red Crescent or the Red Cross, to verify that it did not hold anything but a crew, foodstuffs and medicine.

Having been threatened with the use of force, the ship had no option but to head away from the Palestinian coast and into international waters. However, the Israeli gunboats pursued the ship and forced its crew, under threat of force, to sail in a specific direction and not change that direction. At

times, in addition to the gunboats, aircraft flew overhead.

The actions of the Israeli authorities, which have often claimed to have withdrawn from Gaza, are an explicit act of piracy under article 101 of the United Nations Convention on the Law of the Sea. Under that article, piracy is defined as any illegal acts perpetrated on the high seas against a private ship or against persons or property on board outside the jurisdiction of any State. The Libyan ship was more than 220 nautical miles from the coast of Gaza at 5.55 p.m., Libyan time, when the Israeli boats were forcing it to head in a specific direction under threat of force.

Under international conventions in force, States are obliged to extend their full cooperation to suppress piracy on the high seas or anywhere outside the jurisdiction of any State. In recent months, the Security Council has dealt with the growing phenomenon of piracy and assumed its responsibilities and adopted a series of important resolutions aimed at making the suppression of piracy an obligation enshrined in international law. In response to that trend, and in accordance with obligations under international law, we call upon the Council to assume its responsibilities and condemn the actions by Israeli authorities vis-à-vis the Libyan ship *Al-Marwa*, which was carrying humanitarian assistance. We also call on it to take effective steps to ensure Israel's compliance with international humanitarian law and the United Nations Convention on the Law of the Sea and to hold it accountable for its deliberate violations of the freedom of navigation on the high seas.

We would today like to remind the Security Council that Israeli authorities shot down a Libyan aircraft over the Sinai in 1973, despite having identified it as a civilian craft whose passengers included children. That serious precedent leads us to conclude that Israeli authorities would not hesitate to perpetrate the same crime against the Libyan ship. It would be a flagrant violation of international law if the Council were to remain silent in the face of Israel's actions and its collective punishment by way of the suffocating siege against 1.5 million Palestinians.

Once again, we hope that the Council will assume its responsibilities with regard to what has occurred and what is happening now. We hope that, with Israel having closed all land crossings, the Libyan ship will be able to continue its voyage in safety and enter the port of Gaza to unload its cargo. We also hope that all other ships carrying humanitarian aid will be able to enter that port.

My delegation has prepared a draft press communiqué. We hope that consultations will continue and that the Council will achieve consensus thereon.

The President: I now give the floor to the representative of Israel.

Ms. Shalev (Israel): Today is a sad day for the Security Council, for today the Council that we all appreciate so much has been outrageously compelled to meet in order to promote the particular agenda of a certain member State of the Council. That certain member State intentionally chose to abuse the procedures of the Security Council in order to distract it from addressing the dire problems of the international community.

Serving as a member of the Security Council entails a serious and solemn responsibility. That is why the Charter of the United Nations establishes clear demands for the non-permanent members, noting that,

> "due regard [should be] specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization".

The Libyan Arab Jamahiriya knows no such responsibility. When Israeli students were murdered in Jerusalem last March by a Palestinian terrorist, it was Libya that opposed the unanimous will of the members of the Council to condemn the attack. Fourteen members of the Security Council understood their responsibility. Libya did not.

Since its election to the Council, Libya has prevented any initiative on Middle Eastern issues that contradicts its narrow political agenda. Libya even refused to participate in briefings by the Israeli mission on various topics relevant to the work of the Security Council. Those examples are a clear demonstration that Libya does not understand its role in this Council, its obligations or its responsibilities.

This meeting of the Security Council has nothing to do with threats to international peace and security. It is a provocative abuse of procedure, nothing more. If Libya was genuinely interested in supporting peace and security in the Middle East, it would have condemned

Hamas when it brutally took control of the Gaza Strip in a violent coup against the moderate Palestinian Authority. It would have condemned the constant barrage of thousands of rockets and mortars on Israeli towns and villages by terrorists. It would have condemned Iran and Syria for harbouring, supporting and training terrorists in our region. It would have condemned the ongoing transfer of sophisticated weapons and financial resources to terrorist groups. But Libya did not.

Peace and security in the Middle East can be achieved only by supporting the moderates in our region and denouncing extremist elements. Yet Libya does the opposite. In fact, Libya has not provided any constructive contribution to support the bilateral peace process between Israel and the Palestinians. Moreover, Libya does not recognize the State of Israel and uses rhetoric and terminology that reflect a world view rooted in the past. The most evident proof of this is Libya's reference in its letter to my country Israel as the "Zionist entity". By using that term, Libya joins other extremist elements that deny Israel's legitimacy — Hamas, Islamic Jihad, Al-Qaida, Hizbollah, Iran and the Sudan. We should all ask ourselves whether it is a coincidence that Libya's current provocation was launched in close proximity to the meeting of the Council regarding the situation in Darfur.

Like any other State, the State of Israel has the right — in fact, the duty — to defend its citizens from terrorist attacks. No State member of this Council, nor any other Member of the United Nations, would allow a shipment originating from a hostile State to reach a territory that serves as a launching pad for terrorist attacks against its civilians.

To conclude, I would like to address directly the representative of Libya. If Libya truly desires to provide humanitarian support to the civilians in the Gaza Strip, there are ways and means to do so. Many States, including those without diplomatic relations with Israel, and international organizations use these mechanisms to provide humanitarian relief for the Gaza Strip. Let me emphasize that such mechanisms exist. They are coordinated with the international community. They are well known and do not necessitate media events and provocations like the one we are currently engaged in.

The President: I now give the floor to the Permanent Observer of Palestine.

Mr. Mansour (Palestine): I thank you, Sir, for convening this urgent meeting to address the critical situation in the occupied Palestinian territory, particularly the grave humanitarian situation in the Gaza Strip; as a result of the continued siege being imposed by Israel, the occupying Power.

Before proceeding, allow me to congratulate you and your country Croatia upon your assumption of the presidency of the Security Council this month, and to also take this opportunity to express our deep appreciation to Costa Rica for its most able and wise leadership of the Council last month. At this time, I wish also to convey our appreciation to the Libyan Arab Jamahiriya for its call for today's meeting to address the serious issues before us.

The situation in the whole of the occupied Palestinian territory, including East Jerusalem; remains extremely critical due to Israel's continuing violation of the human rights of the Palestinian people and its continuing colonization of Palestinian land by unlawful means and measures. Today, however, I wish to specifically address the crisis that is prevailing in the Gaza Strip, where more than 1.5 million Palestinians — including children, women, the elderly, and ill and disabled persons — are facing miserable socio-economic conditions, a dire humanitarian crisis and the virtual collapse of their society and all coping mechanisms as a result of Israel's total siege and closure of the area, which have obstructed even humanitarian aid from reaching the Palestinian civilian population.

In that regard, we regret that the Libyan ship *Al-Marwa*, which was attempting to deliver desperately needed humanitarian supplies to the population, was prevented from doing so by the occupying Power. This effort was undertaken following the recent call on the Arab countries by the League of Arab States Council of Ministers to provide emergency humanitarian assistance to the Palestinian people under occupation, particularly in the Gaza Strip, in order to alleviate their suffering and impoverishment resulting from the severe Israeli restrictions on the movement of persons and goods.

The Palestinian Authority expresses its appreciation for this Libyan effort and the good-will intentions to provide aid to our people by such extraordinary means, necessitated by the most unusual,

unacceptable and indeed deplorable circumstances in which our people find themselves.

We have come before the Security Council on several occasions to draw attention to the humanitarian catastrophe that is unfolding in the Gaza Strip as a result of Israel's illegal punitive measures, and we have repeatedly called upon the Council to shoulder its responsibilities under the United Nations Charter and act to bring an end to the inhuman siege and to compel Israel to comply with its obligations under international law, including humanitarian and human rights law.

In addition, there have been numerous reports by the Secretary-General and by several United Nations agencies highlighting the critical situation in the occupied Palestinian territory. Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has specifically briefed the Council on the grim, deplorable situation in the Gaza Strip, and Mr. Robert Serry, United Nations Special Coordinator for the Middle East Peace Process, and Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, have also come before this Council numerous times, conveying the urgency and the stark reality of the humanitarian situation in the Gaza Strip and calling on Israel to lift its siege as well as calling for a new approach to the situation in Gaza. Regrettably, despite all our urgent pleas and repeated appeals, no measures have been undertaken to address that unjust situation.

Assessed under any pretext and in any context, Israel's collective punishment of the Palestinian civilian population in the Gaza Strip constitutes a grave violation of article 33 of the Fourth Geneva Convention, which, inter alia, prohibits the occupying Power from punishing a protected person for an offence he or she has not personally committed and prohibits the imposition of collective penalties and likewise all measures of intimidation or of terrorism. This provision of the Convention, whose direct purpose and intention is the protection of the civilian population in time of war, is being breached by Israel on a massive scale, constituting a war crime against the Palestinian people — a crime for which the occupying Power should be held fully accountable.

As we are all aware, since this crisis has unfolded before the eyes of the international community, the 17-month-long Israeli siege has transformed the Gaza Strip into an open-air prison that is not only totally separated from the rest of the Palestinian territory, but also completely isolated from the rest of the world. Israel has continued to impose this most severe and inhumane form of closure, even after the calm that has largely prevailed — despite several violations, including Israeli military attacks last month that killed dozens of Palestinians — since June of this year, following the ceasefire agreement reached through Egyptian mediation efforts, which were intended to break the cycle of violence as well as the blockade.

The occupying Power continues to close all of the Gaza Strip's border crossings and allowing only for the infrequent opening of some crossings under many restrictions. Restrictions continue to be imposed on the import of food, medicine, fuel, building materials and other essential supplies. That has caused a shortage of all necessities and is causing extensive human deprivation. Even purely humanitarian aid is being obstructed, as recently witnessed. In addition, Palestinian exports continue to be completely prohibited by the occupying Power, destroying thousands of livelihoods.

At the same time, Israel continues to obstruct the movement of persons, including patients requiring emergency medical treatment unavailable in Gaza, many of whom have died waiting for the right to travel outside Gaza. Israel also continues to hamper the access of humanitarian personnel to Gaza, including those working for United Nations agencies such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which continues its valiant efforts to provide assistance to nearly 1 million refugees there despite the many restrictions, obstacles and shortages of supplies.

Every sector of life in the Gaza Strip has been disrupted by this criminal and punitive siege. Poverty, hunger, disease and unemployment have risen to alarming levels. In our world today, as we collectively face the growing economic and food crises and seek a panacea for them, I would like the members of the Council to pause to consider the following harsh realities that the Palestinian people in Gaza are being forced to endure, not as a result of a natural disaster or some unforeseen global development, but rather as a result of deliberate, unlawful policies carried out by the occupying Power, which are intended to punish the population and plunge it into desperation.

Today, 80 per cent of the civilians in Gaza — the majority of whom are refugees and 50 per cent of whom are children — live below the poverty line. Eighty per cent of the population is also dependent on food aid for survival. More than 95 per cent of the industries, businesses and workshops are now closed, and nearly 50 per cent of the workforce is unemployed. Health and sanitation systems and other infrastructure are falling into disrepair and decay as spare parts and building materials — including for United Nations projects — remain restricted and in scarce supply, hastening the collapse of those systems.

As reported by various United Nations agencies and international organizations, the negative short- and long-term repercussions of this crisis for the Palestinian people and their institutions, public services and infrastructure are vast and will be catastrophic if this situation continues. Moreover, without redress, tensions, insecurity and despair in the Gaza Strip will continue to rise and will further destabilize the entire situation in the occupied Palestinian territory, with all the destructive ramifications that that would have for the fragile and struggling peace process and thus the prospects for stability in the region as a whole.

The Palestinian leadership is engaged in a peace process and is committed to that process with a view to achieving a just, lasting and peaceful settlement of the question of Palestine in all its aspects. However, the existence of the peace process cannot be used as a cover or distraction by the occupying Power as it continues its pursuit of illegal policies and practices that are destroying Palestinian society, destroying Palestinian land and destroying our chances for achieving an end to the occupation, an end to the conflict and real peace for our peoples. Indeed, there is no legal, political, moral or human justification for the inhumane policies that Israel is carrying out against the Palestinian people, especially in the Gaza Strip.

While the Palestinian leadership continues to make every effort to advance the peace process and to uphold its commitments, Israel, to the contrary, continues its illegal practices and provocative actions in the occupied Palestinian territory. Examples include its intensification of settlement construction while we are negotiating and its debilitating and punitive blockade of the Gaza Strip, ensuring the further aggravation of tensions, the undermining of confidence and the continued deterioration of the situation on the ground. That is to no one's benefit; it will only hasten the destabilization of the situation and a resurgence of the deadly cycle of violence, which will surely sabotage the peace process. Such an outcome must be averted at all costs and requires urgent action, not continued tolerance for this totally unjust situation.

It is therefore imperative that Israel be compelled, first and foremost, to immediately and completely lift its siege of the Gaza Strip to allow for the movement of persons and goods in order to ease the isolation and humanitarian suffering of the Palestinian civilian population. In that regard, the Palestinian Authority once again reaffirms its readiness to assume responsibility for the Palestinian side of Gaza's border crossings, in line with the 2005 Agreement on Movement and Access. Israel should be called upon to abide by its commitments and legal obligations in that regard, including vis-à-vis the Palestinian civilian population under its occupation in the Gaza Strip, in compliance with the Fourth Geneva Convention, by which it is bound as the occupying Power.

The international community must act; it cannot remain on the sidelines as Israel continues to flagrantly and blatantly breach international law and United Nations resolutions, which has only emboldened the occupying Power in its impunity over time.

It is high time that the international community, including this Security Council, undertake its collective duty to exert the necessary, serious efforts to redress the illegal situation in the occupied Palestinian territory and bring an end to Israel's illegal policies and practices.

Peace can never be realized as long as Israel continues to defy the law and remains an unwilling partner in the peace process. The international community therefore must cease its appeasement of such behaviour by Israel and must shoulder its responsibilities to bring about a change of course that will actually help the parties to truly realize the two - State solution for peace, a sovereign, independent, contiguous and viable State of Palestine, living side by side with Israel in peace and security, based on the 1967 borders. Ultimately, this will bring peace to the region as a whole.

Mr. Wolff (United States of America): We are confronted today by a most unusual situation. The Council has been asked to meet by a Council member to react to a situation of its own making.

Libya, a country that does not have relations with Israel, which cannot even acknowledge its existence in the letter it sent to the Council that brought the issue under consideration to our attention, and which has an openly hostile attitude towards Israel, took the remarkable step of attempting to send one of its vessels to waters patrolled by Israel off Gaza in an attempt to land at a port which is not open to international maritime trade.

Given the current heightened international sensitivity to unpredictable and uncoordinated maritime activity, what country around this table would not have reacted as the Israeli Navy did in this case? The way Libya went about this was dangerous and irresponsible. To the best of my knowledge, the Charter, unfortunately, has no provision to deal with the folly of States.

This is not a meeting about the humanitarian situation in Gaza. However, if the objective of the Libyan action had been seriously to provide assistance to the people of Gaza, there are several ways to do so that do not involve such provocative, confrontational acts, and that would certainly have had a greater chance of allowing that assistance to get through. The manner which Libya chose seems almost designed to guarantee that the assistance would not be delivered.

Now, there are several viable alternatives used by every other State interested in providing assistance. First, Member States can directly approach the Palestinian Authority, the legitimate Government of the Palestinian people, and inquire about how best to deliver their proposed assistance. The Council of Ministers of the League of Arab States, for its part, issued a 26 November statement calling on Arab countries to send humanitarian assistance to the Gaza Strip and assigned specific responsibility to the Arab League's secretariat to coordinate with the Egyptian and Jordanian authorities to ensure the entry of that assistance to Gaza.

Why did the Libyan authorities not coordinate this in that manner? We are specifically aware, for example, of a shipment of Jordanian assistance that was successfully transferred through the Kerem Shalom crossing into Gaza on 27 November.

Secondly, Member States seeking to provide assistance to the people of Gaza can work through the existing institutions and programmes of the United Nations that have the mandate and the capacity to provide humanitarian assistance in Gaza. These United Nations institutions include the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Office for the Coordination of Humanitarian Affairs and the World Food Programme. One is, therefore, left with the impression that provocation — and perhaps even propaganda — was the intended objective of the Libyan vessel's activity.

The real lesson here is the need to avoid the repetition of such irresponsible action in how assistance is delivered. Under the circumstances, with the terrorist group Hamas controlling Gaza and perpetrating repeated violence and acts of terrorism against Israel, it is fortunate this incident of Libya's making did not escalate.

Our understanding from media accounts emerging from Tripoli is that, after Israeli vessels turned the Libyan vessel back on Monday, the Libyan vessel tried once again to enter the port on Tuesday without Israel's consent. Under these circumstances, Israel was justified in escorting the Libyan vessel beyond the territorial sea and into international waters.

It cannot be said that Israel's actions constituted piracy under the Law of the Sea Convention. Piracy has a very specific meaning under international law, including that the act has to have been by a private ship for private ends. It is absurd to assert that Israel committed an act of piracy. Indeed, the Israeli Navy simply approached the vessel, flagged by a hostile State, and instructed it to turn around and not continue into Gazan waters. It then ensured that it did not return to its original course. The Israeli Navy fired no shots and did not insist on boarding the Libyan vessel.

Mechanisms are clearly in place, as I have mentioned, for the transfer of humanitarian assistance to Gaza by Member States that truly want to do so. These non -provocative and non -confrontational mechanisms should be the ones used. Direct delivery by sea is neither appropriate nor responsible under the circumstances.

The United Nations recently issued a consolidated appeal for the West Bank and Gaza for $462 million to help the people of Gaza, and we would encourage all Member States to respond generously.

Finally, let us not forget the underlying reason this humanitarian crisis exists. The legitimate Palestinian Government's authority was usurped in the

Gaza Strip by the terrorist organization Hamas. Its instigation of violence through the construction of surreptitious tunnels from Gaza into Israeli territory of the type used to kidnap and kill Israeli soldiers and its indiscriminate rocket attacks on southern Israel and on the established humanitarian aid crossing points all continue. The Palestinian representative's lengthy prepared remarks would have enjoyed more credibility if he would have been able simply to repeat his leadership's own known views on this.

Once this situation, created by Hamas, is addressed, we are confident the humanitarian suffering resulting directly from Hamas's illegal acts will also be remedied.

Ms. Pierce (United Kingdom of Great Britain and Northern Ireland): As has been noted, and as you, Sir, indicated earlier in consultations, there will be an opportunity to address a much wider range of Middle East issues at the appropriate meetings later in the month. So today I will confine my remarks to the issue at immediate hand, which I think appears to be the delivery of humanitarian aid to Gaza in a particular circumstance.

We have the Libyan account, which we have heard from the Ambassador of Libya today in the Chamber, and we also have the Libyan letter. We have also heard a slightly different — in fact, a rather different — account of what actually happened at sea. I have no information myself to share with the Council, but I would simply note that I think it will be very difficult for the Council to agree on any sort of statement — press statement or otherwise — if we cannot establish the facts of the case to agreed satisfaction.

It is obviously important that there should be free passage of humanitarian goods and relief supplies into Gaza. Our position on this is very well known. We do hope that Israel as the occupying Power abides by the requirements of international law in ensuring that the necessary humanitarian supplies do reach Gaza. But it is also the case that very particular and exceptional circumstances apply in the Middle East, to Israel, to the situation around Gaza.

Because of those exceptional circumstances, it is necessary, as a matter of practicality, that aid and humanitarian deliveries are done in a certain way. That includes using United Nations channels and third countries, including members of the League of Arab States, in order to ensure that aid can enter Gaza safely and in coordination with all those who need to be involved. That may be frustrating, and it may be regrettable that circumstances dictate such arrangements, but as a matter of practicality, to help the people of Gaza, those channels are necessary and they should be used. Not to use them does raise doubts with regard to either the intention of people who do not use them or the lack of information available to them. I am sure that the latter point is something that is easily rectified.

I would just like to say, if I may, that we have answered the call to give aid to the people of Gaza. This year we have given over $100 million, or will have done so by the end of the year. We have given over $800 million since 1993 and have pledged to provide a further $400 million by 2011. We recognize the importance of helping to relieve the humanitarian situation in Gaza.

I also want to address the allegation of piracy. I have here the definition of piracy as set out in the Law of the Sea Convention, to which Ambassador Wolff also referred. It is a technical definition that says that piracy requires an act of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship. As a matter of technicality, as I understand it, it was an Israeli naval vessel that was involved in the incident. By definition, that cannot constitute an act of piracy. I would just like that to be on the record in the Council.

We all hope that the situation concerning humanitarian relief for Gaza can be regularized. We all hope for an improvement in the situation on the ground that will allow for that normalization. But it does need to be borne in mind — and I want to make this very clear today — that that improvement will also require prior improvement in the situation of terrorist and other attacks on Israel. At the heart of this is the security situation in that part of the world. That critically and quintessentially includes the security of Israel and the right of Israel to self-defence.

Mr. Dolgov (*Russian Federation*) (*spoke in Russian*): The Russian Federation is carefully and with great concern following the developments with regard to the civilian ship *Al-Marwa*, which had a cargo of humanitarian assistance destined for the Palestinian population of the Gaza Strip. We are convinced that the tension that has arisen as a result of the unwillingness

of Israeli authorities to allow the ship into its port of call is a consequence of the drawn-out crisis caused by Israel's blockade of the Gaza Strip and the lack of any clarity as to how and when it will be lifted. We believe that ending the economic isolation of Gaza is an urgent task.

As a result of the truce between Hamas and Israel, the situation in the area has recently improved somewhat; however, it remains a far cry from normal. Achieving more or less sustained stability on the perimeter of Gaza can be achieved only by ensuring broad and unhindered access to Gaza for humanitarian deliveries — including food, medicine and fuel — and the resumption of full and normal operations at border crossings into the area.

The blockade of the Gaza Strip is among the major factors provoking the radicals' disruption of the truce, which has essentially undermined the efforts of Mahmoud Abbas and the entire international community to strengthen the institutions of the Palestinian Authority. That has reduced the Authority's leverage in the negotiations with the Israeli side. In that regard, we would like to draw attention to what was said in November in the course of the latest ministerial meeting of the Middle East Quartet at Sharm el-Sheikh, namely, the readiness to continue to work with Israel and the Palestinian Authority to facilitate access and movement and an improvement in conditions on the ground in order to address urgent humanitarian needs, foster economic activity and improve the atmosphere for the negotiations.

In providing substantial material assistance to the Palestinian territories, Russia is reaffirming its intention to further cooperate to improve the humanitarian situation and establish a healthy atmosphere and normal living conditions for the population.

Of course, in the process of resolving these issues, we cannot forget security guarantees for Israel. We reaffirm the need for a complete end to terrorist attacks on that country, first and foremost the firing of rockets from Palestinian territories. At the same time, ensuring Israel's legitimate security interests should not be done to the detriment of the no-less legitimate interests and needs of the civilian population of Gaza and the West Bank. The relevant obligations under international humanitarian law should be scrupulously observed by all countries.

Mr. Grauls (Belgium) (*spoke in French*): We have heard statements this afternoon by the delegations of Libya, Israel and Palestine. In the light of this afternoon's debate, I would first of all like to recall that respect for international humanitarian law is a permanent guiding principle of Belgium's interventions. That essential principle demands that all actors concerned demonstrate their sense of responsibility. A sense of responsibility inspires me to make three comments.

First, with regard to the incident itself, at this stage, the varying accounts available to us assure us as to the restraint of those involved. However, they do not provide the requisite clarity to come to a definitive conclusion. For the sake of the population of Gaza, we should nevertheless wonder about the usefulness of the counter-productive politicization that has resulted from an attempt to provide humanitarian assistance by ship.

Secondly, with regard to the deterioration of the humanitarian situation in the Gaza Strip, along with our partners in the European Union and the Quartet, which share our deep concern, we regularly call for the opening of the crossing points to both humanitarian and commercial traffic. The Israeli authorities cannot consider themselves absolved of their responsibilities vis-à-vis the Gaza Strip. We therefore call on them to assume their humanitarian responsibilities and lift the restrictions to access imposed against the press and the diplomatic community. Moreover, with regard to the humanitarian situation in southern Israel, we continue to systematically condemn all rocket launches from the Gaza Strip.

Thirdly, we welcome the state of calm achieved thanks to Egypt's mediation, with its dual goal of making a lasting improvement in the living conditions of the Palestinian and Israeli populations in and around the Gaza Strip. However, from the beginning, we have emphasized that tranquillity should not be an end in itself.

It is urgent that we put an end to the anomaly of the situation of siege that followed the illegal usurpation of power by Hamas in the Gaza Strip. There is an urgent need for the calm to yield to humanitarian, security, economic and political normalization. Finally, it is urgent that Hamas, which hopes to be seen as a political actor, act on its sense of responsibility for the true interests of the Palestinian people, beginning by

restoring the Gaza Strip to the sole and legitimate authority of President Abbas.

Mr. Kumalo (South Africa): We thank you, Sir, for convening this meeting upon the request of the Libyan Arab Jamahiriya to discuss the incident in which the Libyan vessel *Al-Marwa*, which was headed for the port of Gaza, was prevented from delivering aid by naval vessels of the State of Israel. My delegation regrets that humanitarian aid destined for the suffering people of Gaza was prevented from being delivered, since we believe that the port of Gaza is an integral part of Palestine.

The situation in the whole of the occupied Palestinian territories can be described as a humanitarian disaster in which innocent civilians continue to suffer the consequences of the lack of peace. At the centre of this problem is the fact that the people of Gaza have been suffering under an illegal blockade that has denied them humanitarian assistance of any kind. The root cause of all these difficulties is the illegal occupation by Israel of Palestine. Illegal settlement activity in the occupied territories seeks to change the facts on the ground and is a key obstacle to the peace process.

We urge the Council to demand that Israel immediately and completely end the blockade of Gaza, freeze all settlement activity, including natural growth, and dismantle outposts erected since 21 March 2001 in order to not change the facts on the ground and prejudice final status negotiations. Until such time as peace is firmly established between Palestine and Israel, the international community, and neighbouring States in particular, have a moral responsibility to assist the innocent victims.

Twelve months ago, at a meeting hosted by the United States at Annapolis and attended by the representatives of many countries from all over the world, including South Africa, Palestine and Israel agreed on a joint declaration expressing their determination to end their conflict and to work towards a peaceful settlement based on the existence of two States, Israel and Palestine, living side by side in peace and security. They further agreed to make every effort to conclude an agreement before the end of 2008.

We have reached a critical stage of the process, with the deadline set in Annapolis drawing ever nearer. Despite assurances that negotiations are continuing, the situation on the ground has not improved significantly since the start of the process. The time for the parties, the international community and the Security Council to act is now. The parties and the international community cannot sit back and allow the situation on the ground to continue to deteriorate, ending all hopes for a negotiated two-State solution.

The security of Israel can be secured only once a lasting and permanent solution to the Palestinian question is found. The security concerns of the State of Israel should not be used as a justification for denying the victims of this conflict access to humanitarian assistance. We call on the State of Israel to allow unhindered access to the international community to deliver the much-needed humanitarian support to Palestinians through all the crossings into Palestine, including the port of Gaza.

Finally, we would hope, as we have said many times before, that the Council will find it possible to pronounce itself on the humanitarian situation in Palestine, particularly in Gaza. We cannot continue to avoid confronting such an egregious situation.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): The situation that has given rise to this meeting offers us an opportunity to refer, if only briefly, to the deterioration of the humanitarian situation of the Palestinian people in Gaza. As continually noted by the Secretary-General and his team, that progressive deterioration deserves to be considered at greater length by the Council.

The desperate action under discussion today was undertaken, as it were, in response to an equally desperate situation. The situation is frustrating. The channels established for the delivery of humanitarian assistance have proven to be insufficient to protect the civilians in Gaza and to alleviate their precarious living conditions. Only yesterday, the Office of the United Nations Special Coordinator for the Middle East informed us that all border crossings between Gaza and Israel remained closed, obstructing the passage of fuel and basic humanitarian deliveries to the Palestinian people. The Kerem Shalom crossing has been closed since 27 November. The Nahal Oz pipeline and the Karni conveyor belt stopped working on 26 November. As described by programmes and agencies of the United Nations and by the Office of the Special Coordinator for the Middle East, the restricted conditions in which they work and the deterioration of the humanitarian situation in Gaza are unprecedented and ongoing.

As I stated in this morning's consultations, my delegation believes that Israeli practices affect the delivery of humanitarian assistance to the population of Gaza and contribute to the deterioration of the situation. In that context, no one should be surprised that the actions undertaken by some friends of the Palestinians to provide humanitarian assistance come, perhaps, in response to the disproportionate punishment inflicted on the people of Gaza for the actions of a few. They may also respond to the inaction of this Council in the face of the desperate humanitarian situation in Gaza.

None of these facts exempts anyone delivering humanitarian assistance to the people of Gaza from the need to use appropriate channels or the good offices of third countries that can contribute to the truly important goal of delivering humanitarian assistance to the population in need.

In conclusion, Costa Rica fully understands Israel's concerns for its own security, but is equally concerned by the fact that the restrictions imposed by the Israeli authorities affect not only the individual actions of countries like Libya, but also the entirety of the humanitarian work of international agencies and humanitarian organizations. We have called forcefully in the past for an end to rocket and mortar attacks on southern Israel, and today we call on Hamas to place the true needs of the Palestinian people above all other considerations. We also respectfully urge the Government of Israel to facilitate the delivery of humanitarian assistance to the people of the Gaza Strip and to take measures to normalize their living conditions.

Mr. Lacroix (France) (*spoke in French*): The Libyan request for a meeting of the Security Council following the interception of a Libyan vessel raises the more general question of access, in particular humanitarian access, to Gaza.

The French position was recalled in a statement issued on 14 November by the presidency of the European Union. In that statement, the presidency of the Council of the European Union condemned the resumption of violence, particularly the rocket strikes from Gaza into Israel, and called for its immediate end. However, the presidency deplored the Israeli Government's decision to close border crossings into Gaza. This disproportionate response will again collectively punish the entire civilian population in Gaza, where the humanitarian situation is deeply worrying. The presidency of the Council of the European Union therefore called for the reopening of border crossings and the immediate resumption of fuel and humanitarian supplies.

In that regard, my delegation recalls that this year the European Union will once again submit to the General Assembly a consensual draft resolution on assistance to the Palestinian people that emphasizes humanitarian access. I also recall that France defends the principle of free humanitarian access in all circumstances and wherever a population is in need of international humanitarian assistance. My delegation welcomes the consensus demonstrated today by the Security Council on that principle, and hopes that such consensus will become the rule with respect to all items on its agenda.

Furthermore, again with respect to access to Gaza, the European Union presidency has deplored the refusal to allow the European heads of mission, including the French Consul General in Jerusalem, who is the Union presidency's local representative, to visit Gaza during a field trip to assess the humanitarian and economic situation.

France firmly believes that the Security Council has a role to play with regard to the Israeli-Palestinian issue. In view of the humanitarian situation in Gaza, we are prepared to work at any time on a response from the Security Council. We feel that such a response should address all the difficulties of access to the Gaza Strip by putting the incident involving the Libyan vessel in the broader context of access for humanitarian assistance and workers to the Gaza Strip by land and by sea.

If such a response should prove impracticable today or in the near future, we note also that the Quartet, in which France participates in its capacity as presidency of the European Union, will meet again in December. Moreover, the Security Council will hold an open meeting on the situation in the Middle East on 18 December. We feel that we should use both opportunities to explore possibilities of further action by the Council.

Mr. Suescum (Panama) (*spoke in Spanish*): At the outset, I should like to thank the representative Israel and the observer of Palestine for their statements.

Panama understands that this meeting was convened to highlight the very serious humanitarian situation in the Gaza Strip resulting from Israel's illegal blockade of that part of the occupied Palestinian territory. We are aware that the matter is part of a highly complex issue with interrelated aspects that mutually affect each other. Our delegation will therefore use the opportunity afforded by the Council's open debate of 18 December on the situation in the Middle East, including the Palestinian question, to convey its position on the various issues under this item.

With respect to the specific matter before the Council today, the Government of Israel's reluctance to lift the illegal blockade, despite the repeated appeals of the international community and the humanitarian disaster it is creating for innocent civilians, is a matter of grave distress to our country. As we have reiterated repeatedly, Panama is deeply concerned about the humanitarian situation in Gaza and urges Israel to lift the illegal blockade forthwith and unconditionally to allow the delivery of humanitarian assistance.

Mr. La Yifan (China) (*spoke in Chinese*): The Chinese delegation thanks you, Sir, for convening this urgent meeting at the request of the delegation of Libya. We listened carefully to the statements made by the representatives of Libya and Israel and the observer of Palestine, whom I wish to thank.

China is deeply concerned about developments since yesterday surrounding the Libyan ship *Al-Marwa*. We regret that the delivery of humanitarian supplies has once again been blocked. The current humanitarian situation in Gaza is grave. The population of Gaza is in urgent need of food, medicine and other emergency items. In such circumstances, Israel's siege of Gaza and its obstruction of humanitarian assistance will not only further exacerbate the plight of the Palestinian population, but will also poison the atmosphere in which both sides must conduct political dialogue and negotiations.

In our view, no issue can be used to justify the collective punishment of the people of Gaza. As the occupying Power, Israel is obligated under international law to respect and guarantee the satisfaction of the basic humanitarian needs of the people of Palestine. We again urge Israel to respond to the appeals of the international community by fully lifting the siege of Gaza and permitting the delivery of humanitarian assistance by the United Nations and the international community.

Mr. Bui The Giang (Viet Nam): As it has clearly stated on many occasions, Viet Nam is deeply concerned about the deteriorating humanitarian situation in Gaza, where more than 1.5 million Palestinians continue to suffer from a lack of food and medicine, the suspension of electricity and fuel supplies, the halting of services in hospitals and bakeries, the withholding of heating supplies during the winter and the paralysed functioning of sanitation and water facilities.

Against such a backdrop, we have followed with close attention the case of the vessel *Al-Marwa*. While underlining the responsibilities of both parties under the Road Map and relevant resolutions of the Security Council to refrain from any act or statement that may be detrimental to the peace effort, we once again urge Israel scrupulously to abide by international law — above all human rights and humanitarian law — put an immediate end to restrictive measures, open the border crossings, and ensure unfettered access for international assistance and humanitarian relief to the Palestinian population in all occupied territories. We call on all parties concerned to strengthen constructive dialogue and cooperation in order to arrive at a mutually acceptable solution, thereby promoting an environment most conducive to the peaceful settlement of disputes and to meeting the legitimate interests of the Palestinian people.

We support every effort of the United Nations, the Quartet and the international community at large to alleviate and ultimately end the humanitarian crisis in Gaza. In that connection, we wish to express our appreciation of the role played by the League of Arab States and Egypt, in particular in lessening the grave humanitarian situation in that part of the world.

Mr. Natalegawa (Indonesia): My delegation is concerned by the recent incident, as reported by the Permanent Representative of the Libyan Arab Jamahiriya. We have taken careful note of the views expressed by all related parties with regard to the incident.

The incident reminds us of the continuing grave humanitarian situation in the Gaza Strip. The humanitarian suffering caused by the illegal blockade and the closure of Gaza crossings by the Israeli authorities are well chronicled and unacceptable. The

provisions of international humanitarian law must be respected. We are aware that, at some points, Israel has allowed humanitarian assistance to enter Gaza. However, we believe that humanitarian access should be provided continuously and permanently in order to achieve tangible improvement of the humanitarian situation in Gaza. Many humanitarian agencies rely on the Israeli authorities for access to Gaza to assist a civilian population of more than 1 million living there.

My delegation underlines that the movement of persons and goods into Gaza should be immediately normalized in order to facilitate economic activity and to meet humanitarian needs.

The continued provision of emergency and humanitarian assistance by the international community to the Palestinian people in Gaza remains critical. In this regard, we commend the work and contribution of United Nations agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and other humanitarian organizations to mitigate suffering in the area.

While we need to urgently address the current dire humanitarian situation in the Gaza Strip, my delegation is not oblivious to the broader context of the issues under discussion. We consistently believe that finding a peaceful, just, lasting and comprehensive settlement to the Israeli-Palestinian conflict is of primary importance. At this juncture, it is our belief that the Council needs to provide positive encouragement to the parties to continue and redouble their efforts to engage in vigorous, ongoing and continuous negotiations and to make every effort to achieve meaningful and results-oriented efforts. It is also pertinent for the Council to call on both parties to avoid any actions, activities or statements that could undermine or hamper the peace process.

It is also important for the Council to encourage early improvements in the situation on the ground that could help build confidence among the parties and create an atmosphere conducive to negotiations. In short, we need for the Security Council to speak, to pronounce itself, with one voice.

Finally, we wish to reaffirm our support for a two-State solution that envisions the creation of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours.

Mr. Kafando (Burkina Faso) (*spoke in French*): The urgent convening of this meeting bears witness to the great importance of the question of the Middle East, which is at the heart of the Security Council's concerns.

The incident that occurred with respect to the Libyan ship prevented from delivering humanitarian aid to the Palestinian population raises once again the question of the blockade of Gaza. However, it is only one aspect of the complex situation, which requires the problem of the Middle East to be considered with a great deal of thought and, above all, a great sense of responsibility.

Together with the other members of the Security Council, we have always deplored the critical humanitarian situation that prevails in Gaza. The situation in general is of course of great concern, but it is particularly difficult at the present moment. The incident under consideration arises from the prevention of the supply of food and medication to that population, which is greatly in need of them. That is why we again to urge the Israeli authorities to lift the siege on Gaza, especially in order to facilitate the work of humanitarian organizations.

The Security Council has always been concerned by any form of obstruction imposed on humanitarian access, whoever perpetrates that obstruction and wherever it is carried out. That is why we believe that it would have been better in this case to reconcile the legitimate requirements of the Israeli State with the need to assist a population stricken by unilateral measures.

However, above all, the incident is another reminder that the role of the Security Council, just like that of the international community, is to persuade the two parties — the Israeli Government and the Palestinian Authority — to implement all the commitments they have undertaken in the context of the Road Map and the various recommendations to which they have agreed in order to reach a comprehensive and definitive settlement of the issue. As is now acknowledged by all, that will necessitate the existence of two neighbouring States living in peace and full security.

In spite of this incident, we would still like to welcome the relative calm of the situation overall. That calm must be capitalized upon in order to build confidence and maintain the spirit of Annapolis, which

would enable ongoing dialogue between Israel and Palestine. In conclusion, we reiterate our appeal to all the parties to show restraint in order to help in the peaceful settlement of the Israeli-Palestinian conflict.

Mr. Mantovani (Italy): First of all, I wish to welcome the Permanent Representative of Israel, Ambassador Shalev, and the Permanent Observer of Palestine, Ambassador Mansour, and to thank them for their interventions here with us in the Council.

We are convinced that the real issue and our top priority is to improve the living conditions of the people in Gaza and to respond swiftly to their urgent basic needs. All countries that are willing to contribute humanitarian assistance in response to the appeal issued by the legitimate Palestinian Authority should be encouraged to do so. We therefore share the motivations that led the Libyan authorities to send humanitarian aid to help the people of Gaza cope with the difficult conditions in which they presently live.

At the same time, precisely because our priorities should be to guarantee that this humanitarian assistance is correctly and promptly delivered to those in need, we must ensure that all assistance is channelled correctly and effectively, taking into account the situation on the ground. That is why we cannot agree with the modalities chosen in using the *Al-Marwa* to ship goods to the inhabitants of Gaza; there are established procedures respected by all donor countries that want to contribute humanitarian assistance to the people in Gaza.

As we know, one way is to channel this assistance through the United Nations agencies charged with such responsibilities. The World Health Organization, the International Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East constantly work together with Israel and the Palestinian Authority to facilitate the import of foodstuffs and medicine into Gaza. Otherwise, third countries can be requested to undergo customs procedures, involving both Israel and the Palestinian Authority, required for those materials to be authorized for entry into Gaza.

In conclusion, we believe that, as in several past instances, including recently, the delivery of humanitarian aid aimed at assisting those in need, such as the young and the ill, whenever provided through the established channels will not encounter any obstacle from the Israeli authorities.

The President: I shall now make a statement in my capacity as the representative of Croatia.

Croatia shares the concerns expressed over the serious humanitarian situation in the Gaza Strip. We understand that resuming humanitarian activities and the provision of basic supplies to the civilian population of Gaza is a matter of urgency. Croatia welcomes the humanitarian effort to alleviate the situation of the Palestinian people, but it should not lead to instrumentalizing the suffering of the civilian population for other purposes. There exist established channels and procedures for delivering aid. We believe that those should be followed in the interest of all of the parties and beneficiaries of such actions.

We note, for example, that the ministers for foreign affairs of the League of Arab States, meeting in Cairo, pledged in their statement that their Governments would send food and medicine to Gaza and said that they would coordinate with Egypt and Jordan to ensure that their supplies enter Gaza.

Israel's legitimate security concerns should not be casually disregarded, as it has been confronted with hostile shipments in the past. Furthermore, the humanitarian situation in the Gaza Strip cannot be seen in isolation from its wider background and its underlying causes, at the heart of which is Hamas' usurpation of the legitimate institutions of the Palestinian Authority in Gaza. We hope that the five-month period of calm in Gaza and southern Israel will persist for the benefit of both sides, leading to the improvement of living conditions for the civilian population of Gaza and the opening of the crossings for the movement of persons and goods.

Regrettably, the renewed rocket attacks into Israel from Gaza are calling into question the commitment of Palestinian groups to prolonging the calm. Such acts, which give rise to Israel's exercise of its undeniable right to self-defence, are irresponsible and unacceptable and have to be brought to an end.

Croatia believes that only a political settlement that is a two-State solution can fundamentally alter the socio-economic situation for the Palestinian population and guarantee security for Israel. At this moment in time, all efforts should be focused on preserving and advancing the dynamics of the peace process started last fall in Annapolis and on ensuring its transition into the year 2009.

I resume my functions as president of the Council.

The representative of the Libyan Arab Jamahiriya has asked to make a further statement. I give him the floor.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I will speak briefly in view of the fact that this has been a long day for the Council. Hence, I will not answer the accusations made against my country by one of the speakers, because we are accustomed to that country levelling provocative accusations instead of focusing on substantive issues. The aim of those actions is well known to all and I will not promote it.

I do hope, however, that I misunderstood the representative of the United States of America when he said that the Charter does not protect the folly of States. I would like to ask: Can the act of sending humanitarian assistance to people who are subject to an unjust siege be called folly? If that is folly, then what can we call the defence of the inhuman and illegal practices undertaken by the Israeli authorities against the Palestinians? I do not wish to recall all those practices here.

It is regrettable that the representative of the United States of America has ignored the facts on the ground, as if the Israelis had not closed all border crossings and even prevented United Nations personnel from delivering assistance. That representative is ignoring the fact that, since calm was established in June 2008, it has not been breached by the Palestinian resistance in Gaza, which has simply reacted to repeated breaches of that calm by others.

I requested the convening of this meeting because of a specific incident. I felt that the Council should meet to consider that situation. The Council responded and I thank Council members for that. What has the firing of missiles from here and there to do with that situation? A ship was subjected to the threat of force by gunboats and forced to go in a specific direction on the high seas in international waters. Is that not a grave action that deserves the attention of the Council? Has the Council grown inured to such incidents or the way they relate to an issue, even if the issue is directly relevant to developments in the occupied Palestinian territory? Is speaking of such an issue prohibited and considered folly? I will confine myself to those remarks.

The President: I give the floor to the representative of the United States of America to make a further statement.

Mr. Wolff (United States of America): I am not in the habit of taking the floor twice in public meetings like this, but since some direct questions were posed to me, I do not want to leave the room with people wondering what my response might be.

The reference to folly was very clear and it did not refer to the intention to send humanitarian assistance, which my Government participates in. My Government provides humanitarian assistance. I do not have the exact statistics, but it is my understanding that this is the first time since 2006 that the Government of Libya has tried to provide assistance to the Palestinian people. I may be wrong, but that is the information that I have, and it raises a question about what the real motives are.

The reference to folly relates to the point I made at the beginning, which is that if the intent is to provide humanitarian assistance, which we support, it is hard to imagine an approach better designed to fail in that effort than the one undertaken in this incident. As we know, these are countries that do not have diplomatic relations with each other. There is hostility between them. It would be unreasonable to expect that an uncoordinated yet premeditated effort to deliver assistance into areas patrolled in the waters off Gaza, under agreement with the Palestinian Authority, would be allowed to go unchallenged in this day and age. Again, the point I made is that it is remarkable that this did not escalate, and we should all be grateful for that. Therein lies the folly — not in the act of trying to provide humanitarian assistance.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.45 p.m.

United Nations S/PV.6031

Security Council

Sixty-third year

Provisional

6031st meeting

Thursday, 4 December 2008, 10 a.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Weisleder
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

Security Council mission

Briefing by the Head of the Security Council mission to Afghanistan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-63292 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council mission

Briefing by the Head of the Security Council mission to Afghanistan

The President: I should like to inform the Council that I have received a letter from the representative of Afghanistan, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ayoob (Afghanistan) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/708, which contains the text of a letter dated 14 November 2008 from the President of the Security Council addressed to the Secretary-General.

At this meeting, the Council will hear a briefing by Mr. Giulio Terzi di Sant'Agata, head of the Security Council mission to Afghanistan and Permanent Representative of Italy.

I would like to welcome the return of the members of the Council and the Secretariat who took part in the mission to Afghanistan.

I now give the floor to Mr. Giulio Terzi di Sant'Agata, head of the Security Council mission to Afghanistan.

Mr. Terzi di Sant'Agata (Italy): The Security Council travelled to Afghanistan from 21 to 28 November, guided by the agreed terms of reference that were recently circulated as an official document of the Council. I believe that the mission achieved its main goal of developing a first-hand assessment of the situation in the country at a critical juncture. I am convinced that future Council deliberations on Afghanistan will be better informed as a result of this first-hand fact-finding mission.

I wish to thank all colleagues who participated in the mission for their outstanding contributions to our discussions in Afghanistan. I also wish to thank Ambassador Zahir Tanin, Permanent Representative of Afghanistan, for his kindness in accompanying the mission and his effectiveness in facilitating the meetings with the Afghan authorities. Obviously, it would have been impossible to undertake this visit under challenging conditions without the flawless organization carried out by the Secretariat and the United Nations Assistance Mission in Afghanistan (UNAMA), as well as the highly professional logistical and security support provided by the International Security Assistance Force (ISAF). I would also like to thank Ambassador Haroon, Permanent Representative of Pakistan; Ambassador Al-Jarman, Permanent Representative of the United Arab Emirates; Ambassador Al-Murad, Permanent Representative of Kuwait; and Ambassador Al-Nasser, Permanent Representative of Qatar. Through the efforts of their countries' respective authorities, they provided us with very valuable assistance in our travels.

In Kabul, the mission met with President Karzai and a number of his ministers; the speakers of the upper and lower houses of Parliament; chairmen of parliamentary committees and other members of parliament; the Afghan Independent Human Rights Commission and the Independent Electoral Commission; the Secretary-General of NATO, its Senior Civilian Representative in Kabul and representatives of ISAF; members of the diplomatic community, including the European Union troika and the head of the European Union Police Mission in Afghanistan; civil society organizations; national and international non-governmental organizations; UNAMA senior staff and the United Nations country team. The mission was followed attentively by the Afghan media and public opinion.

We also visited Herat, where we met with the regional office of UNAMA, the Provincial Governor, other Afghan officials and the Provincial Reconstruction Team (PRT). In Herat, the mission noted that the activities of the Provincial Reconstruction Team were

well received by provincial leaders and public opinion. The Governor and members of the provincial council underlined the importance of the quick-impact assistance projects implemented by the Herat PRT.

While the mission report is being prepared, I would like to anticipate a few findings on the basis of the messages that we emphasized during our final press conference. First, we should like to echo Foreign Minister Spantâ's statement that Afghanistan is facing a difficult security situation, but not a security crisis. That assessment is based on the acknowledgement that the insurgency is concentrated in specific regions and does not offer any alternative model of Government, despite the illusion it creates that it is omnipresent.

At the same time, it is obvious that Afghanistan is faced with daunting and multifaceted challenges. In addressing those problems, it is important to avoid any inclination towards frustration or, worse, any inconclusive discussions between Afghanistan and its friends within the international community. Rather, we should redouble our joint efforts in a spirit of partnership.

There are important areas of progress that invite a sense of cautious optimism for the future: the improvement in relations with Pakistan, which was emphasized by President Karzai and Minister Spantâ; the recent cabinet appointments, which seem to have created increased energy, for example, in the fight against corruption; the significant reduction — 19 per cent — in the area of opium cultivation, reported by the United Nations Office on Drugs and Crime; the commitment to improve subnational governance, including the launching of the Afghanistan Social Outreach Programme; and the registration of nearly 2 million Afghans during the first two phases of the voter registration project without any major security incidents. Those gains must be built upon, especially in the year to come.

The "Afghanization" of the security sector and the operational improvement of the Afghan National Security Forces are crucial components of the stabilization process.

The international actors reiterated their commitment to meeting Afghan requests to accelerate this progress. Thanks to the increased capacity of the Afghan National Army, ISAF-only operations are now rather an exception. On police reform, the new Minister of the Interior, Mr. Hanif Atmar, called for an increase in the number of mentors and trainers, including at the district level. An enhanced contribution is expected in particular from the European Union Police Mission in Afghanistan. Minister Atmar expressed his acknowledgement that the Government needed to create a change in the public perception of the police and improve its accountability.

The impact of the conflict on civilians is of particular concern and was the subject of in-depth discussions during the visit. The vast majority of civilian casualties are caused by the insurgents, who deliberately target civilians as part of their strategy. We were reassured on this occasion by the close attention ISAF pays to avoiding civilian casualties and by recent steps to reduce casualties and provide redress when they do occur.

Free, fair and inclusive elections in 2009 are necessary to renew the legitimacy of the Afghan authorities and to win back the full confidence of the people. The Independent Electoral Commission appeared fully committed to achieving this goal, in accordance with the Afghan Constitution. President Karzai stressed the importance of elections taking place throughout the country.

On the subject of national reconciliation, we noted an increasing consensus among Afghan interlocutors on the concept that any dialogue with anti-Government elements must be conducted by the Afghan authorities from a position of strength and that the renunciation of violence and respect for the Afghan Constitution must constitute the red lines of any negotiation. Negotiations are therefore a complement to the fight against terrorism, not an alternative. The process must lead to democratization and not to an increased influence of Taliban obscurantism on Afghan society.

While many Afghans, including President Karzai, called for discussions to end the violence, none of the mission's interlocutors wanted to see the Taliban return to power. The significant improvement of Afghanistan's relationship with its neighbours was welcomed by the mission. The Security Council has consistently supported an approach that helps to bring security through a regional approach that also supports regional economic development.

The mission also welcomed cooperation between the Afghan Government and its neighbours on specific issues that promote improved border control, such as

counter-narcotics and refugees. It is to be hoped that current regional developments will not affect such positive dynamics. Afghan interlocutors welcomed planned international initiatives to foster cooperation in the region.

In the area of development assistance, the mission was informed of perceived inefficiencies in the delivery of aid. The international community is expected to show more transparency and to better coordinate its efforts, in accordance with the Paris Declaration.

On humanitarian assistance, the mission was briefed on measures being adopted to ensure food security during the winter season. At the same time, concerns were expressed that funding was not in place to provide food aid after March. Donors are therefore encouraged to channel their contributions through the Afghan Government or the World Food Programme.

Given recent trends of increasing intimidation of human rights defenders and the recent reversals relating to impunity and freedom of expression, we encouraged the Afghan authorities to reinvigorate their efforts to uphold human rights, in particular the rights of women and children.

Finally, I would like to put special emphasis on the expressions of strong support for UNAMA's coordination role that we heard throughout our meetings both with international actors and with the Afghan authorities. President Karzai expressed complete satisfaction with the cooperation of Special Representative Kai Eide. The Special Representative of the Secretary-General enjoys the full trust and respect of his partners in Kabul. Consequently, many interlocutors expressed the view that UNAMA should be properly empowered to tap into its own potential. United Nations Member States are therefore urged to provide UNAMA with the financial and human resources needed to live up to its enhanced mandate defined by resolution 1806 (2008).

The President: On behalf of the Council, I should like to express gratitude and appreciation to all of the members of the Security Council mission, which was very ably led by Ambassador Terzi, for the manner in which they discharged their important responsibility on behalf of the Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.25 a.m.

United Nations S/PV.6032

Security Council

Distr.: General
5 December 2008

Original: English

Official communiqué of the 6032nd (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Friday, 5 December 2008, at 10 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 5 December 2008, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 6032nd meeting in private with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus.

The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by

Mr. Tayé-Brook Zerihoun, Special Representative of the Secretary-General and Head of the United Nations Peacekeeping Force in Cyprus.

Members of the Council, Mr. Zerihoun and representatives of participating troop-contributing countries had an exchange of views."

08-63512 (E) 051208

United Nations S/PV.6033

Security Council

Sixty-third year

Provisional

6033rd meeting

Friday, 5 December 2008, 3 p.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Costa Rica	Mr. Weisleder
	France	Mr. Lacroix
	Indonesia	Mr. Kleib
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. De Vengoechea
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Bosnia and Herzegovina

Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-63546 (E)

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)

The President: I should like to inform the Council that I have received a letter from the representative of Bosnia and Herzegovina, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I request the Protocol Officer to escort His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to a seat at the Council table.

Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, was escorted to a seat at the Council table.

The President: On behalf of the Council I extend a warm welcome to Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

It is so decided.

I invite the High Representative to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to document S/2008/705, which contains the text of a letter dated 13 November 2008 from the Secretary-General transmitting the thirty-fourth report on the implementation of the Peace Agreement on Bosnia and Herzegovina.

I should also like to draw the attention of the members of the Council to document S/2008/732, which contains the text of a letter dated 25 November 2008 from the Secretary-General transmitting the report on the activities of the European Union Police Mission in Bosnia and Herzegovina.

At this meeting, the Security Council will hear a briefing by His Excellency Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. I now give him the floor.

Mr. Lajčák: I would like to thank the Council for giving me the opportunity today to present my third report as the High Representative since taking up my duties in July 2007. I hope that my update will give Council members a better understanding of the overall situation in Bosnia and Herzegovina, where we now stand and what challenges we will be facing in the period ahead.

When I spoke to the Council in May, Bosnia and Herzegovina had, after lengthy delays and much international engagement, adopted the long-awaited police reform laws that were the key condition for the country to sign the Stabilization and Association Agreement with the European Union (EU). The signing of the Stabilization and Association Agreement on 16 June was an important milestone on Bosnia and Herzegovina's journey towards the European Union. It is the first ever contractual relationship between Bosnia and Herzegovina and the European Union. It provides an opportunity for the people of Bosnia and Herzegovina to put their tragic recent history behind them and build a peaceful and prosperous future, inside the European Union.

However, despite progress on the Euro-Atlantic agenda, the political situation remains difficult, as the old and fundamental challenges in Bosnia and Herzegovina are still in place. There is still not enough understanding of the need to engage in dialogue, to compromise and to meet each other half way, so that the country can move forward. Naturally, it is of some comfort to note that that has not spilled over onto the

security situation, which remains stable. However, the nationalist and ethnic agendas have continued to prevail over the one that actually should matter, namely, the Euro-Atlantic agenda.

As a result, the signing of the Stabilization and Association Agreement, progress towards visa liberalization with the European Union and the decision by NATO to begin an intensified membership dialogue with Bosnia and Herzegovina have not delivered the change in approach we need and have not resulted in the much-needed momentum for reforms.

In the past months, we have seen that negative and nationalist rhetoric from all quarters continues to be the norm, rather than the exception. There have been numerous challenges to the Dayton Peace Agreement, both against the State and its structures and against the existence of Republika Srpska as one of the two entities of Bosnia and Herzegovina. Such attitudes directly impact on the political situation by undermining inter-ethnic trust and making compromises even more difficult. That needlessly slows down Bosnia and Herzegovina's path towards Euro-Atlantic integration. The municipal elections in October showed further hardening of positions on all sides.

Let me offer concrete examples. Over the past months, the Republika Srpska authorities have challenged the institutions, competencies and laws of the State on numerous occasions. The details were listed in the report I presented to the Council (S/2008/705, annex). In mid-October, the Republika Srpska National Assembly restated its conclusions of February 2008, whereby it considers that that entity, Republika Srpska, has the right to hold a referendum on secession from the State of Bosnia and Herzegovina.

We have also seen political games being played at the direct expense of the rule of law, with the Republika Srpska Government officially denying the obligation of administrative bodies in that entity to cooperate with the State's law-enforcement and judicial bodies, in particular in a case where they were conducting a pre-investigation related to some contracts awarded by the Republika Srpska Government. Although the Republika Srpska, after too many weeks, eventually delivered in that case, those challenges are serious and require our full attention, since the rule of law is one of the pillars of a democratic State. In that respect, all individuals and all institutions in Bosnia and Herzegovina must cooperate with the State law-enforcement and judicial bodies without conditions.

The difficulties my Office has encountered with Republika Srpska a number of times, with regard to cooperation with the High Representative, as required by Annex 10 of the Dayton Peace Agreement, are also of concern. Repeated refusals to hand over requested documentation again involve a very straightforward issue, namely, that of respecting and meeting legal obligations stemming directly from the Dayton Peace Agreement.

The recent criminal action initiated by the Republika Srpska Government against a number of local and international officials, including my Principal Deputy, alleging a conspiracy to destroy that entity, is another case in point. That represents a move against the action of the Office of the High Representative in particular, and against the international community as a whole. In that respect, I would like to remind the Council that my Office has employed citizens of 37 countries over the past 13 years. It is their commitment, but also that of other countries, that has made progress possible in Bosnia and Herzegovina, and it is our responsibility not to allow the legacy of the Office of the High Representative to be undermined.

But challenges and negative rhetoric have come from all sides. In particular, Haris Silajdzic, a member of the Bosnia and Herzegovina Presidency, has been continuously advocating his private political agenda, using his office and international forums, such as the United Nations General Assembly, to question the right of Republika Srpska to exist. His unwillingness to respect the constitutional arrangement of Bosnia and Herzegovina was also reconfirmed in his recent letter to the heads of State of the European Union and NATO countries. Such an attitude only contributes to Republika Srpska's suspicions regarding Bosnia and Herzegovina and will not help the country.

All those events and the negative political climate have resulted in a marked decline in addressing reform. In particular, since the start of the municipal election campaign in the summer, there has been little progress in delivering the five objectives and the two conditions that were set by the Peace Implementation Council (PIC) to allow for the closure of the Office of the High

Representative and transition to a stronger engagement by the European Union in Bosnia and Herzegovina. There has also been very little progress in addressing the European Partnership priorities.

In particular, the State-level institutions have suffered in that environment. The Parliamentary Assembly has clearly been underworked and has only adopted 22 new laws in the first two years of its mandate. The Council of Ministers and the Presidency have also suffered from inter-ethnic tension and mistrust.

Let me underline that Bosnia and Herzegovina, in order to move forward towards Euro-Atlantic integration, will need to change the way it conducts politics. Zero-sum politics will need to be replaced by a politics based on compromise and a readiness to meet other parties half way. I cannot overemphasize that point. That is fundamental for a stable and forward-looking country.

However, while it is clear, that the political situation in Bosnia and Herzegovina continues to be difficult and fragile, it is also important to underline that we have seen some encouraging signs in the past few weeks. On 8 November, the presidents of the largest Bosniak, Bosnian-Serb and Bosnian-Croat parties agreed to a joint statement on a number of issues, many of which are of key importance for the future of the country. The three political parties agreed on a way forward on the objectives that were set for the transition of the Office of the High Representative to stronger European Union engagement, as well as on constitutional reform and a population census. Many of those issues, including the latter two, have been political stumbling blocks for months, even years.

That is a positive agreement and was rightly welcomed by the European Union Foreign Ministers on 10 November and by the Steering Board of the Peace Implementation Council on 20 November. Overall, the joint statement offers the potential to break the current political deadlock. It is now important that the proposals of the joint statement are put into concrete form, discussed and adopted by the relevant institutions in Bosnia and Herzegovina. In that respect, the decision by the Council of Ministers, shortly after the agreement, to concretely address those issues is an encouraging development. The role of the international community should be to support the political leaders in Bosnia and Herzegovina in those efforts. Ultimately, domestic-based compromise and consensus are the best, if not the only, way forward for Bosnia and Herzegovina.

Another important event during the reporting period was the arrest of Radovan Karadžić in July. That arrest and the earlier apprehension of Stojan Župljanin, to which the law-enforcement agencies in Bosnia and Herzegovina contributed, is a sign of Bosnia and Herzegovina's willingness to move forward in that regard. The country has made significant efforts to maintain satisfactory cooperation with the International Tribunal for the Former Yugoslavia.

Another area I would like to mention is the economy. Bosnia and Herzegovina will, like most countries, face significant challenges on the economic front in 2009. All political leaders in Bosnia and Herzegovina are aware of that and have shown a readiness to take measures to address the situation. In November, the Council of Ministers decided to increase the guarantees for bank deposits to €10.000. Secondly, the State and the entities have stepped up their efforts to better coordinate their fiscal policies.

Despite this good news, we must remain focused on the big picture. The positive steps that we have seen in the last few weeks can easily be unravelled with new negative rhetoric and unilateral actions by any of the political leaders.

My primary task in the reporting period has been to facilitate the achievement by the authorities of Bosnia and Herzegovina of the five objectives and the two conditions set for the transition of the Office of the High Representative to a reinforced office of the European Union Special Representative.

Council members will recall that in February this year the Peace Implementation Council Steering Board set five objectives that will need to be met by the authorities in Bosnia and Herzegovina. They are, first, acceptable and sustainable resolution of the issue of apportionment of property between State and other levels of government; secondly, acceptable and sustainable resolution of defence property; thirdly, completion of the Brzcko Final Award; fourthly, fiscal sustainability; and finally, fifthly, entrenchment of the rule of law.

In addition to these objectives, the Peace Implementation Council Steering Board agreed that two conditions need to be met: the signing of the

Stabilization and Association Agreement with the European Union and the positive assessment of the political situation in Bosnia and Herzegovina by the Peace Implementation Council Steering Board.

Even though all of these priority reform areas were established some time ago, and all of them were previously recognized by the authorities in Bosnia and Herzegovina as their obligations, achieving these objectives has not been easy. The Peace Implementation Council Steering Board has met twice since I was last here in May, first on 25 and 26 June, and then, more recently, on 19 and 20 November. Overall, the Peace Implementation Council has taken the view that there has been progress in implementing the conditions for transition from the Office of the High Representative to a European Union Special Representative, but a lot still remains to be done by the authorities in Bosnia and Herzegovina to complete the work.

At the Peace Implementation Council meeting on 19 and 20 November, the members stressed that further efforts are particularly required for resolving the issues related to State and defence property and the future status of the Brcko district before it can take a decision on the transfer of authority from the Office of the High Representative to the European Union Special Representative. It agreed to strongly engage in efforts to resolve both these issues in the weeks and months to come by supporting the Office of the High Representative with a view to reaching solutions by spring. It will not be easy to reach this goal, but it remains a prerequisite for transition that all Peace Implementation Council Steering Board members agree to. Accordingly, the Office of the High Representative will continue to carry out its mandate under the Dayton Peace Agreement into 2009.

The next Peace Implementation Council meeting, at which the future of the Office of the High Representative shall be considered, will be held on 25 and 26 March 2009. The recent Peace Implementation Council meeting also marked the beginning of the discussion of the overall architecture of the international community's future engagement in Bosnia and Herzegovina.

All the capitals of the members of the Peace Implementation Council share the assessment that we must fully focus on our re-engagement in the country in order to fulfil our mission. In this respect, our priority focus will have to be delivery of the work plan of the Office of the High Representative. But at the same time, it is clear that the international community, and the European Union in particular, will need to start preparing for the next step.

This approach, together with the European Union's readiness to assume a greater role in Bosnia and Herzegovina after the closure of the Office of the High Representative, has been welcomed by the Peace Implementation Council. It will now be important for the European Union to have a detailed and convincing strategy in place when the time comes for transition. Such a strategy will greatly facilitate decision-making on the transition and on the way ahead.

On 10 November, the European Union ministers for foreign affairs gave a clear signal of their determination to move forward in this direction and welcomed a joint report by High Representative Solana and Commissioner Rehn on a stronger and more robust European Union engagement in Bosnia and Herzegovina in the future. This report will serve as a basis for elaborating a renewed European Union strategy for Bosnia and Herzegovina in the coming weeks and months.

I would stress once again how important it is for the international community to give Bosnia and Herzegovina the attention it deserves. Recent focus on the country has resulted in a series of high-level discussions on Bosnia and Herzegovina and a number of high-level visits there, both of which have clearly made an impact. Undoubtedly, these developments have contributed to the political agreement reached by the largest political parties on 8 November. It is important that the United Nations, the European Union and the wider international community ensure a proper follow-up. We have our responsibility in Bosnia and Herzegovina and we must live up to it.

Finally, I consider the adoption of resolution 1845 (2008) on 20 November for the purposes of extending the mandate of the European Union-led peacekeeping force in Bosnia and Herzegovina (EUFOR ALTHEA) for an additional year to be another strong commitment and a sign of unity from the international community, for which I would like to express my appreciation. It is appropriate to say that the presence of EUFOR ALTHEA is welcomed by all three constituent peoples in Bosnia and Herzegovina.

The new Security Council resolution on Operation ALTHEA, together with last month's commitment by the European Union Foreign and Defence Ministers to maintain EUFOR at its current strength is an important aspect of the European Union's overall strategy in Bosnia and Herzegovina. As soon as the political situation allows it, EUFOR ALTHEA will be transformed into a smaller, non-executive military mission.

As to the future, it is important that, in order to ensure progress, we maintain the momentum that we have achieved in the past weeks. Let me stress once again that the wider international community needs to continue to give the necessary attention to Bosnia and Herzegovina. In this way, we can help the country to achieve political stability and to progress on the path towards Euro-Atlantic integration.

It is also important that we recognize the improvement in the atmosphere in the last few weeks and build on the emerging readiness to compromise. The goodwill is fragile. That is why it is all the more important to safeguard it, in order to deliver the concrete results that are needed.

A stronger engagement on our part represents our best chance to complete the work plan of the Office of the High Representative and to move towards stronger European Union engagement in the country. However, we must look beyond our day-to-day activities and plan ahead for the European Union's future role in the country. In the weeks and months ahead, the European Union will be working hard to develop a coherent and robust strategy in anticipation of the period following the presence of the Office of the High Representative and the continuing challenges that will bring. The question of transition is not about the administrative issues of the transfer of power from the Office of the High Representative to the European Union Special Representative. Rather, it is about ensuring the lasting stability of Bosnia and Herzegovina.

Two weeks ago we marked the thirteenth anniversary of the signing of the Dayton Peace Agreement. In this context, we need to ensure that the nature and level of our engagement are appropriate for a country in this stage of its post-war recovery and European integration. The end State that we all wish to see is clear: Bosnia and Herzegovina as a peaceful, viable State irreversibly on course for European integration. The citizens of Bosnia and Herzegovina deserve a European future. They must have full confidence that we are here to help now and will remain with them to see the job through to the end.

The President: I thank Mr. Lajčák for his briefing.

I now invite Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to make a statement.

Mr. Špirić (Bosnia and Herzegovina) (*spoke in Bosnian; interpretation provided by the delegation*): It is a great honour and privilege to share with the Security Council my views regarding the results achieved in Bosnia and Herzegovina to date, as well as the challenges ahead of us.

In spite of different international and domestic assessments that may be heard regarding progress in Bosnia and Herzegovina, it is my opinion that 2008 has been a successful year. During 2008, we signed the Stabilization and Association Agreement with the European Union, started negotiations on a liberalization of the visa regime and deepened dialogue with NATO. We are close to completing our negotiations for membership with World Trade Organization.

We have also been successful in maintaining macroeconomic stability. The average growth rate of the gross national product in the past three years has been about 6 per cent. Wages have increased, as have pensions, employment and foreign exchange reserves.

The real challenge we continue to face is the high foreign trade deficit. However, it should be recognized that this is a problem all countries in transition have to face until their economies become competitive in the European Union (EU) market. When it comes to achieving competitiveness, we are on the right track.

Apart from reforms, the challenges we will have to face during 2009 and afterwards are the consequences of the global financial and economic crisis. Even though the depth of the crisis is as yet unknown, and although the assessments are that Bosnia and Herzegovina will not feel direct consequences of the crisis, it is certain that indirect consequences will not bypass my country. In that respect all levels of Government, including State, entities and cantons, found a unified answer and spoke in one voice on the issue of successfully — at least for now — preserving citizens' hard-won trust in commercial banks. Due to

internal differences and differing visions within Bosnia and Herzegovina, the global financial and economic crisis may result in a serious decrease in economic growth. That is why we are working hard on possible scenarios to best respond to the challenges of this crisis.

I am glad that the most developed world economies and the EU member countries are looking for a common answer to these challenges. I think it would not be good to leave the fragile economies of the western Balkans, including Bosnia and Herzegovina, to search alone for individual solutions. I think that solving the challenges of the global financial and economic crisis for the western Balkan countries would require a well-organized, combined approach.

Since the last meeting of the Security Council, the Council of Ministers of Bosnia and Herzegovina has held 18 regular and 6 thematic sessions, adopting a number of important bills, strategies and decisions. Here, I would particularly like to note the police reform legislation, the Public Roads Bill, the Aviation Bill, the Agency for Air Navigation Services Bill, the Information Society Development Agency Bill and many others.

We passed a number of strategies and action plans, such as the Integrated Border Management Strategy, the Immigration and Asylum Strategy and the related 2008-2011 action plan, the action plan for implementation of the Interim Agreement, the action plan for implementation of obligations deriving from the Stabilization and Association Agreement, the action plan for implementation of obligations deriving from the European Partnership, and the initial document for the intensified dialogue with NATO.

Regarding negotiations on liberalization of the visa regime, I would like to inform the Security Council that immediately after the negotiations were opened, the Council of Ministers established a working group for negotiations. After the road map had been delivered, we tasked the working group with drafting the implementation action plan as quickly as possible, and the plan was adopted at the fifty-seventh session, held on 29 July 2008.

The working group fulfilled its first obligation regarding the readiness report within the prescribed deadline. We have recently received the European Commission report, which is being analysed by responsible institutions. We are of the opinion that the end of 2009 and the beginning of 2010 will be the time when citizens of Bosnia and Herzegovina will be able to enjoy the benefits of the white Schengen.

The Council of Ministers of Bosnia and Herzegovina has started holding thematic sessions devoted to European integration, and they have proved to be very useful. We used those sessions to adopt a number of important decisions and action plans, and we regularly analyse our obligations in that respect and monitor their implementation. The latest thematic session was attended by the Entity Prime Ministers, and we concluded that the Council of Ministers would hold thematic sessions on European integration at least once a month and that at least once every three months Entity Prime Ministers would attend those sessions.

The Fiscal Council of Bosnia and Herzegovina became operational and has held three sessions to date. That body made it possible to establish the draft budget of the country's institutions in a timely fashion and to forward it for adoption to the Presidency of Bosnia and Herzegovina, which is the official proponent of the budget according to the Constitution.

I would like to note here that this is the first time since Dayton that the conditions have been met for adoption of the next year's budget before 31 December of the current year by the Parliamentary Assembly of Bosnia and Herzegovina. Efficient functioning of the Fiscal Council made it possible for us to lead a responsible budgetary policy with the view to reducing public spending. Bearing in mind all of the above, I have a hard time accepting the assessments that this has been an unsuccessful year for Bosnia and Herzegovina. We did have problems and challenges that we were unable to solve.

At the meeting of the Peace Implementation Council (PIC) Steering Board on 27 February 2008, member countries set five objectives that the authorities in Bosnia and Herzegovina must fulfil in order for the Office of the High Representative to be transformed. These are the acceptable and sustainable resolution of State-owned property, acceptable and sustainable resolution of defence property, completion of the Brcko Final Award, fiscal sustainability and entrenchment of the rule of law, as well as two conditions: signing of the Stabilization and Association Agreement and a positive assessment of the situation in Bosnia and Herzegovina by the PIC Steering Board.

So far, as already mentioned, we have signed the Stabilization and Association Agreement and ensured fiscal sustainability. The objectives regarding the defence property and the rule of law have been partly achieved. The latest agreement achieved by leaders of three political parties — the Alliance of Independent Social Democrats (SNSD), the Party of Democratic Action (SDA) and the Croat Democratic Union of Bosnia and Herzegovina (HDZ) — in Bosanski Šamac on 8 November 2008 was welcomed by Brussels. It represents a solid basis for the fulfilment of the remaining conditions and objectives, which would create conditions for the final decision on closing of the Office of the High Representative.

I think that would be a good development for Bosnia and Herzegovina, and I would like to ask for the Council's support in that. Continuous delaying of the transition of the Office of the High Representative into a European Union special representative would, in my opinion, damage the credibility of international institutions in Bosnia and Herzegovina and hurt the trust in the reforms conducted so far, and I fear it would fully erase the effects of the already shaken justice system reform. It is hard to accept the claim that the justice system reform is made credible by the presence of international judges, particularly concerning prosecution of organized crime, if we see that almost no indictment has ended with a legally binding verdict, as was the case with Šarović, Čović, Fazlić and others.

I am grateful for everything that the international community has done for Bosnia and Herzegovina, and it is my personal opinion that we will continue to need not just attention but also assistance. That assistance must be provided in the form of services and advice, but not in the form of international representatives having decision-making power in our institutions — primarily judiciary — with diplomatic immunity and without accountability for bad decisions. I think that it is very important to stress at this moment that there is no other country with a larger presence of international institutions than Bosnia and Herzegovina, with a general assessment by those institutions that Bosnia and Herzegovina is making less and less progress.

Looking from the outside, the impression is that 13 years after Dayton, Bosnia and Herzegovina represents an international observation post for monitoring global projects in the region, and, according to evaluations of high international officials, it looks more and more like a controlled cul-de-sac. These are hard but serious warnings.

Lately we have heard assessments that aim at creating tensions between the Republika Srpska and a part of the state-level Government, all the while forgetting that Bosnia and Herzegovina is also made up of the Federation of Bosnia and Herzegovina with the same constitutional powers, which, due to the complexity of its organization and accumulated internal problems, requires emergency action.

According to all parameters and assessments by international financial institutions, Republika Srpska represents a more stable entity, and it could be an engine for development of Bosnia and Herzegovina and not a threat, as some would maliciously say. The stability of Republika Srpska should not be interpreted as a cause of instability in Bosnia and Herzegovina. I do not think that the situation in the Federation is improved by throwing accusations at the Republika Srpska. Rather, all of us should help to make the Federation an example of a well-organized and efficient entity.

It is hard not to agree with assessments of a high United States official who said that Republika Srpska must be respected because it is part of Bosnia and Herzegovina. That is why I would like to stress that it is extremely important that both Republika Srpska and the Federation be equally respected as constituent parts of Bosnia and Herzegovina.

It goes without saying that Bosnia and Herzegovina needs to enter a new era. I want to believe that such an era would be characterized by a spirit of agreement and compromise. We know that next year will bring greater involvement by Brussels and the European Union in Bosnia and Herzegovina, which I strongly support. In addition, however, those of us within Bosnia and Herzegovina must pay much greater attention to realizing a common vision within our country, which would mean its acceleration towards integration with the EU.

The only way to do so is to have an open dialogue and discuss all challenges, because every agreement in Bosnia and Herzegovina is an invitation to reach broader agreement and to fulfil obligations so that the country can succeed, which is in everyone's interests. Political elites must make decisions that will ensure the development of the system, rather than waiting for sweeping change to come to Bosnia and

Herzegovina from abroad. I hope that the messages and lessons resulting from today's meeting will be aimed in that direction.

Finally, I would like to thank High Representative Miroslav Lajčák on behalf on behalf of Bosnia and Herzegovina, even though I wish his report were more optimistic and not as selective.

Mr. Lacroix (France) (*spoke in French*): In addition to speaking on behalf of France, I am also speaking on behalf of the European Union and the countries that have aligned themselves with this statement: Albania, Croatia, the Republic of Moldova, Montenegro and Turkey.

I should like at the outset to thank the High Representative for his statement and to tell him that we agree with his assessment of the situation in Bosnia and Herzegovina. I should also like to assure him of our confidence in him and of the full support of the European Union for his efforts to ensure compliance with the Dayton-Paris accords and to move ahead with the reforms.

In addition, I should like to welcome the presence in the Security Council of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We have noted with satisfaction the commitment of the Bosnia and Herzegovina authorities to moving forward on the path of European integration.

Over the past 13 years, Bosnia and Herzegovina has, with the support of the European Union, carried out reforms essential to its stability and prosperity. In June, it took an important step forward by signing a Stabilization and Association Agreement, which confirmed its desire to join the European Union.

However, France and the European Union express their concern at the political atmosphere prevailing in the country. The use of nationalist rhetoric, arousing fear and division, and the implementation of unilateral decisions by certain leaders call into question power-sharing arrangements and the foundations of the State. Moreover, such words and deeds jeopardize the reforms necessary to the country's future. European Union membership is based on the capacity to overcome the tragedies of history, to renounce all forms of discrimination and to share elements of sovereignty in order to contribute to the common good. The European Union expects States wishing to join to demonstrate their full commitment to those values.

The country's leaders, both at the central level and at the level of the entities, have a responsibility towards the citizens of Bosnia and Herzegovina, whose aspiration to join the European Union cannot be ignored. Acts and statements likely to call into question the State's basic structure as defined in the Dayton-Paris accords — whether directed against Bosnia and Herzegovina's sovereignty and territorial integrity or against the existence of Republika Srpska — must stop. Likewise, attempts to challenge the authority of the High Representative are totally unacceptable.

It is time that Bosnian leaders demonstrate through concrete action their willingness to work to achieve a rapprochement between Europe and Bosnia and Herzegovina. The European Union notes with satisfaction the agreement in that regard reached among three of the main Bosnian parties. We call for the swift implementation of those proposals and invite the Bosnian political forces to unite around that project.

The European Union recalls its support for the objective of the transition from the Office of the High Representative to a stronger European Union presence. The Peace Implementation Council has set forth five objectives and two conditions necessary for the closure of the Office, and the European Union calls on the Bosnian authorities to intensify their efforts to meet all five objectives and both conditions.

The European Union also remains involved through Operation Althea, the European Union-led peacekeeping force — whose mandate was unanimously renewed by the Security Council on 20 November — and through the European Union Police Mission.

Finally, I should like to stress the determination of the European Union to strengthen its involvement in Bosnia-Herzegovina and to shoulder its responsibilities by using all the tools at its disposal.

Ms. DiCarlo (United States of America): I, too, would like to welcome High Representative Lajčák back to the Council today. We thank him for his comprehensive report and applaud his work as High Representative. I would also like to welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to the Council today.

The United States welcomes the progress that Bosnia and Herzegovina has made in recent years,

particularly the signing of the Stabilization and Association Agreement with the European Union (EU). My country has devoted considerable attention and resources to helping stabilize Bosnia and Herzegovina since the conflict of the 1990s, and we are committed to helping the Bosnian people achieve a peaceful and prosperous future.

We welcome the positive developments that the High Representative has identified since his last report, particularly with regard to the objectives set by the Peace Implementation Council last February. In particular, we commend the work of the High Representative and his staff to facilitate progress in meeting the five objectives and two conditions to enable closure of the Office of the High Representative.

We share, however, the serious concerns that the High Representative has raised with regard to political developments that have impeded further progress on those objectives. We have seen a sharp rise in divisive nationalist rhetoric; we have seen State-level institutions, which are required for the country to make further progress towards the EU and NATO, attacked and undermined; and we have witnessed disturbing attempts to roll back previously successful reforms of the past 13 years — the very reforms that have led the EU and NATO to open their doors to Bosnia's eventual membership.

The Republika Srpska Government's recent effort to seek criminal charges against local and international officials who are performing their professional obligations is unacceptable and outrageous and raises troubling questions about Republika Srpska's commitment to the rule of law. Those officials will continue to have our full support as they carry out their important work to implement the Dayton Agreement and to advance Bosnia and Herzegovina's Euro-Atlantic agenda.

We join the High Representative in rejecting rhetoric or actions that undermine the Dayton Agreement, call into question the territorial integrity of Bosnia and Herzegovina or promote unilateral changes to the constituent structure of the country. To reiterate the statement of support for the High Representative that my delegation made when the Council made last May, the role of the High Representative is critical in implementing the Dayton Agreement and ensuring that Bosnia and Herzegovina completes its transition to a secure and stable multi-ethnic State.

The United States firmly supports the Peace Implementation Council's decision to continue the High Representative's mandate until the authorities in Bosnia and Herzegovina fully meet the five objectives and two conditions specified in February. We believe that the 8 November agreement among several major political parties is a welcome development that offers an opportunity to break this destructive cycle and to make progress towards meeting the outstanding objectives. That initiative represents the kind of constructive approach and spirit of compromise that are required for Bosnia to continue to move forward. In order to achieve true progress, Bosnian political leaders will need to translate the agreement into concrete actions, including finding a legally viable solution for protecting Brcko district's status under the terms of the final award.

Finally, the United States remains fully committed to supporting the people of Bosnia and Herzegovina, who continue to strive to stabilize their country, implement reform, implement the terms of the Dayton Agreement and help their country claim its rightful place within the Euro-Atlantic community.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to this meeting of the Security Council. We also thank Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, for his report to the Security Council on developments in Bosnia and Herzegovina. However, we are obliged to note that we cannot agree with some of the points made in the report.

For example, we do not agree with the alarmist assessment of the situation in Bosnia and Herzegovina. We regard as not completely correct the reference in the report to the communiqué of 26 June this year of the Peace Implementation Council Steering Board, which supposedly reflects "the justified concern of the international community about the overall political situation in Bosnia and Herzegovina" (*S/2008/705, Summary*).

The Russian Federation refused to support that document, the content of which does not reflect reality and runs counter to the agreed policy of the Peace Implementation Council Steering Board. A more

balanced assessment of the situation in Bosnia and Herzegovina is to be found in the statement issued by the Steering Board at the end of its Brussels meeting on 19 and 20 November 2008.

We would like to draw attention to the fact that the international observers did not find any serious comments to offer on the preparations for or the holding of the 5 October local elections. Those elections were completely organized and held by the Bosnian authorities. I think that this speaks to the maturity and capacity of the State and local structures and provides an additional argument in favour of transferring responsibility for the future of Bosnia and Herzegovina to the Bosnians.

We support the compromise agreed on 8 November by the leaders of the major parties of the three peoples forming the State on most important issues on the Bosnian agenda. This opens up the possibility in coming months to move ahead significantly in solving the most acute problems, for example, those of State-owned property and the status around Brčko. This will also help to enable further development of the State and ensure implementation of the programme set by the Steering Board calling for transitioning from the Office of the High Representative to the Mission of the European Union Special Representative. I am thinking of implementation of the so-called Five Plus Two formula and the five objectives and two conditions set by the Steering Board to be met before the Office of the High Representative is closed. The basic task for the High Representative at this stage is to help the parties implement their own agreements, and we have confirmed often our willingness to help with this.

We call for a balanced approach by the international community to the Bosnian sides and an objective assessment of what they actually do. Unfortunately, there are still sharp disagreements between the leaders of the Bosnian entities. In this connection, we think it is essential that all sides comply with the Dayton Peace Agreement. At this stage, that Peace Agreement is the irreplaceable foundation for stabilization in Bosnia and Herzegovina. It must be strictly complied with in all of its parts, in all of its areas — the competences of the central organs of power, the powers of the entities. Reform can be only on the basis of consensus of the sides. Imposing some kind of formula or prescription to improve the Dayton Agreement, especially using the so-called Bonn powers, is unacceptable and doomed to failure. We also oppose additional conditions, such as constitutional reform and the closing of the Office of the High Representative.

Mr. Terzi di Sant'Agata (Italy): First of all, let me welcome the High Representative, Ambassador Miroslav Lajčák, and the Chairman of the Council of Ministers of Bosnia and Herzegovina, Mr. Nikola Špirić. Let me also thank the High Representative for his detailed report on the situation in Bosnia and Herzegovina and commend his tireless and skilful efforts in a quite complex situation. Italy fully aligns itself with the statement delivered by the representative of France on behalf of the European Union (EU). I would like to add just a few remarks drawing on the Italian national experience.

Ambassador Lajčák's report gives us a good picture, I believe, of the overall situation in the country. It emphasizes, in fact, encouraging signs, but, at the same time, it reveals critical aspects that invite the ongoing commitment of the international community to Bosnia and Herzegovina.

The signing of the Stabilization and Association Agreement in June is a landmark achievement. It demonstrates that the local political leadership can act constructively and reach compromises. The solution of the police reform was particularly welcome. Not long ago, such a result seemed unreachable. The EU perspective is the tool through which the High Representative was able to broker a solution. We must take stock of that success in view of our upcoming challenges. The Odzak agreement reached by the three major Bosnian parties provides yet another reason for us to hope that a virtuous cycle of the political process may set in.

Nevertheless, the report also notes that

> "Nationalist, anti-Dayton rhetoric challenging the sovereignty, territorial integrity and constitutional order of Bosnia and Herzegovina, as well as the authority of the High Representative and the Steering Board of the Peace Implementation Council, have continued to dominate politics in Bosnia and Herzegovina" (*S/2006/705, Summary, page 3*).

Much remains to be done to achieve lasting democratic stabilization in the country. In order to stimulate more progress, we should move beyond the

status quo and uphold the principle of ownership. To achieve these goals, the transition from the Office of the High Representative to the EU Special Representative stage should be prepared, bearing in mind that the EU Representative must be adequately supported in order to perform his duties effectively.

High Representative Solana and EU Commissioner Rehn have indicated the need to address the issue of transition. On 20 November, the Peace Implementation Council Steering Board welcomed the EU's readiness to assume a greater role in Bosnia and Herzegovina following the transition from the Office of the High Representative to the European Union High Representative.

We must as well promote progress on the implementation of the five objectives and the two conditions, trusting that the political forces in the country will find adequate solutions on the two objectives that remain to be settled. High Representative Lajčák could, once again, have a contribution to make towards achieving this result.

Italy calls on the Bosnian leadership to focus its efforts in this direction and to refrain from statements and acts challenging the structures of the State as defined by the Dayton Agreement. The people of Bosnia and Herzegovina have demonstrated their strong and undisputed wish to live in a peaceful, stable and prosperous multiethnic environment, and Bosnian leaders should act accordingly, without indulging in confrontational practices that have reaped so much damage in their country.

If these goals are achieved, the country could advance significantly along the path of democratic stabilization and especially towards the EU.

Italy is strongly committed to Bosnia and Herzegovina. We are present in the country with a large contingent in the European Union military mission in Bosnia and Herzegovina (EUFOR-ALTHEA). The international military presence is now under Italian command. My country also contributes considerably to all civilian international presences, and we will continue to do so in the future.

Ms. Pierce (United Kingdom): I, too, would like to join others in welcoming High Representative Mr. Lajčák back to the Chamber. I thank him for the comprehensive picture he has given us today of the political situation in Bosnia and Herzegovina, and I would like, through him, to thank his people on the ground and the European Union (EU) people on the ground for their efforts to facilitate reform and uphold the Dayton Peace Agreements.

My Government strongly and fully supports the Office of the High Representative, and we invite other members of the Council to join us in that. I would like to align myself with the statement by the representative of France on behalf of the European Union and to thank Ambassador Terzi on behalf of the European Union military mission in Bosnia and Herzegovina (EUFOR) for everything that his Government and others are doing to help ensure peace, security and stability there.

I would also like to welcome Mr. Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. It is very good to see him here in the Chamber again and very good to hear what he had to say about Bosnia's economy and also about his support for the High Representative.

It was very good that in November this Council was able to renew EUFOR's mandate for a further 12 months.

A number of speakers has referred to the fact that we are now 13 years after the Dayton Peace Agreement. Thirteen years after Dayton is also 13 years after Srebrenica. I would like to use this occasion to pay tribute to the memory of the victims of that sad event. We welcome the fact that Radovan Karadzic was arrested recently and transferred to The Hague. We look forward to the similar arrest and transfer, by the Serbian authorities, of Mladic and other remaining indictees.

The future of Bosnia and Herzegovina, as with the other countries of the Balkans, lies in Europe. We join others in regretting the loss of momentum since the signing of the Stabilization and Association Agreement with the European Union and we share the concern about the situation in Bosnia, with regard to both the lack of reform and to the ongoing ethnic-nationalist rhetoric on all sides.

Against that background, the home-grown Bosnian initiative — the 8 November Odžaci agreement — is a very welcome step forward. It is all the more commendable because it is indeed a Bosnian local initiative. We welcome it. We support it. We believe it is an example of efforts to find common

political ground. We look to all politicians in Bosnia — and I would like to stress, all politicians in Bosnia — to engage with the reform agenda and work towards concrete action.

I would just like to take a moment to support what the High Representative said about the unacceptability of the move by Republika Srpska to present a criminal report against First Deputy High Representative Raffi Gregorian and a number of journalists and representatives of non-governmental organizations. Such actions are anti-Dayton and do the people bringing them no credit. We welcome the recent statement made by ambassadors of the Steering Board of the Peace Implementation Council to that effect, as well as that made by European Union foreign ministers on 10 November.

It is a matter of regret that, once again, we have to address the question of ethnic and nationalist rhetoric coming from both ends of the political spectrum. The High Representative singled out in particular two leaders on each end of the political spectrum for that. The Bosnian people, whether they are Bosniak, Bosnian Serb or Bosnian Croat, are not well served by attempts to undermine the status of Republika Srpska. Republika Srpska is an integral part of Bosnia and its status is set out in the Dayton Peace Agreement. Its status cannot be changed, except by the acceptance of the people of Bosnia. The Bosnian people are not well served by attempts to undermine the State of Bosnia. That too is set out in the Dayton Peace Agreement, and it has been upheld by NATO, the European Union and the Security Council on numerous occasions.

Nor are the Bosnian people well served by attempts to undermine the High Representative and not to cooperate with him. I reiterate how welcome it was to hear Mr. Špirić pay tribute to the High Representative. Instead of non-cooperation with the High Representative, it would be better if Bosnia's leaders were working hard to achieve the five objectives and two conditions that are necessary for the closure of the High Representative's Office and the transition to a wholly European Union civilian presence. The High Representative makes clear in his report that, given the state of affairs on the ground, it is unlikely that it will be possible to take that decision, which is scheduled for March 2009. Our position is that that decision should only be taken when the conditions are right to do so.

I would also like to take this opportunity to say that, while we believe the Bonn powers should be used sparingly and only when necessary, it is the case that they exist and that they have been endorsed by the Council in a Chapter VII resolution. We support the High Representative in his judgment as to whether or not to use them on each particular occasion.

I would like to conclude by restating that the European Union is committed to playing an enhanced role in Bosnia and Herzegovina. For our part as the United Kingdom, we will continue to support efforts to ensure security, stability and prosperity there, as well as a multiethnic future for Bosnia and Herzegovina and for the Balkan region as a whole.

Mr. Kumalo (South Africa): My delegation joins others in welcoming His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and High Representative Ambassador Lajčák to the Security Council. We thank them both for their reports before the Council.

As stated on previous occasions, South Africa fully supports the High Representative and his Office, as well as the policy of progressively handing over all executive responsibilities to the Bosnian leadership. In that regard, South Africa was pleased to note the finalization of the long-outstanding police reform laws that enabled Bosnia to sign the Stabilization and Association Agreement with the European Union. However, developments since then have not been so positive. We are disappointed about the little progress made in the implementation of the reform agenda.

The increasing nationalistic rhetoric in Bosnia is of concern. Such rhetoric not only undermines the functioning of the State and the progress made in reforms, it also challenges the very foundations of that State as established by the Dayton Peace Agreement and the Constitution of Bosnia and Herzegovina.

We are also concerned about the reports by the High Representative about the rhetoric and actions against his Office aimed at preventing him from executing his duties. South Africa calls on all cultures in Bosnia and Herzegovina to desist from such negative actions, to break the political deadlock and to return to the reform process. In our opinion, Bosnia can only make progress towards its goal of integration into the European Union if all parties engage in direct and open dialogue, with the purpose of reaching compromises in order to build consensus.

My delegation therefore welcomes the joint statement of 8 November 2008 adopted by the leaders of the three major political parties as a welcome step towards reinstating interethnic dialogue. However, we would like to repeat that peace processes encompass more than dialogue. We therefore agree with the assessment of the Steering Board of the Peace Implementation Council that the signatories should immediately tackle the reform agenda, encourage other stakeholders to join the consensus and work to put all those proposals into concrete form.

Mr. De Vengoechea (Panama) (*spoke in Spanish*): First of all, we appreciate the presence in the Chamber today of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and we thank him for the statement he has just made. We would also like to welcome Mr. Miroslav Lajčák, High Representative and Representative of the European Union in Bosnia and Herzegovina. We would like to thank him for the report he has just given us, as well as for his efforts in a post that we know is often complicated and very seldom properly appreciated.

Panama welcomes the signing between Bosnia and the European Union of the Stabilization and Association Agreement. That is in line with our position that the future of that country and of the other States of the Western Balkans lies in Euro-Atlantic institutions.

Nevertheless, my delegation takes note with great concern of the level to which nationalist rhetoric has risen and of the detrimental actions taken by the respective leaders of Bosnian ethnic groups with regard to the consolidation of the State and the implementation of the Peace Accord. It is difficult to explain how, more than 15 years since the Dayton accords put an end to the war in Bosnia and Herzegovina and after all the violence experienced by the Balkan region, the leaders of the country's constituent groups could still be placing their ethnic, parochial and short-sighted interests above the interests of political and economic integration at the national and regional level and the interests of consolidating a liberal democracy and a multi-ethnic Bosnia.

As everyone here is aware, extreme nationalism and ethnocentrism were responsible for lighting the fuse of one of the bloodiest conflicts Europe has experienced since the Second World War. Were these scourges to continue, it would not be possible for the wounds from the violent dismemberment of the former Yugoslavia to heal nor for the countries that emerged from it to move on.

This is why we appeal, as we have on many previous occasions, to the leaders of all the constituent Bosnian groups to work together, not as representatives of one ethnic group or another, but rather as citizens of Bosnia and Herzegovina and ultimately, we hope, of the European Union, so as to build a more prosperous and peaceful future for their country and for the region. Until then, we will continue to support the presence of the Office of the High Representative in Bosnia and the use, as necessary, of his Bonn powers.

Mr. Grauls (Belgium) (*spoke in French*): I, in turn, would like to thank High Representative Lajčák for his introduction and for his very detailed and comprehensive report to the Security Council. I would also like to thank the Chairman of the Council of Ministers of Bosnia and Herzegovina, His Excellency Mr. Nikola Špirić, for his presence and for his statement.

Belgium aligns itself with the statement made by the representative of France on behalf of the European Union.

Allow me to say from the outset that Belgium fully shares the general assessment of the High Representative. Like the High Representative, Belgium would like to underscore the importance for Bosnia and Herzegovina of the signing of the Stabilization and Association Agreement with the European Union on 16 June 2008. This demonstrates that, when it comes to crucial reforms such as police reforms, results are possible.

However, since the signing, progress on reforms has clearly come to a halt. Belgium is deeply concerned by the political developments of the past few months in Bosnia and Herzegovina, in particular the period before the local elections of 5 October 2008, when ethnic motivations and nationalist rhetoric unfortunately once again paralysed the political process. Clearly, this kind of attitude and behaviour undermine the very foundations of the State of Bosnia and Herzegovina and will not help the country achieve its Euro-Atlantic goals, which my country fully supports.

In view of that Euro-Atlantic integration process, Bosnia and Herzegovina has great challenges ahead of it. Allow me to highlight a few elements.

Belgium welcomes the recent political agreement of 8 November 2008 among the three most important political parties of the country. The time has now come to ensure that the agreement is also supported by other political actors and that all the measures necessary for its full implementation are carried out. It is important, inter alia, for Bosnia and Herzegovina to continue to implement the 27 February 2007 declaration of the Steering Board of the Peace Implementation Council. That declaration links the future closure of the Office of the High Representative to Bosnia and Herzegovina's achieving the five objectives and meeting the two conditions set out in the declaration.

A recent statement by the Steering Board after its meeting in Brussels on 19 and 20 November reaffirmed the importance of these criteria, in particular such unresolved questions as the distribution of public property between the State and other Government entities and the complete implementation of the Brcko Arbitration Tribunal's Final Award. The resolution of these two questions will enable the Steering Board to take a decision at its next meeting, to be held in March 2009, on the transition from the Office of the High Representative towards a more substantial representation by the European Union.

In addition, Belgium wholeheartedly urges the authorities of Bosnia and Herzegovina to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

In conclusion, Belgium reiterates its full support for the Dayton Agreement's provisions and the involvement of the international community, as demonstrated by the renewal of the mandate of the European Union-led peacekeeping force by this Council. We also reiterate our appreciation and support for the work of the High Representative, who is also the Special Representative of the European Union.

Mr. Kafando (Burkina Faso) (*spoke in French*): At the outset, allow me to thank Mr. Miroslav Lajčák for his briefing, which gave us a good overview of the situation in Bosnia and Herzegovina. We also welcome the Chairman of the Council of Ministers of Bosnia and Herzegovina, Mr. Špirić, and we are grateful to him for his statement.

From the overview gained from the briefing, we can see that some progress has been made in Bosnia and Herzegovina. In particular, in mid-April, a police reform law was adopted. On 16 June, the Stabilization and Association Agreement and the accompanying Interim Agreement were signed with the European Union. On 8 November 2008, a memorandum of understanding was also signed by the most influential Bosnian parties.

However, this progress should not lead us to lose sight of the fact that the overall situation remains unstable. That fact was highlighted by the attempts to change the Constitution and to call into question the Dayton Agreement, as well as the threats against the authority of the High Representative. We are also disturbed by the lack of understanding between the various political entities; which slows progress in crucial areas such as reforming the economy, public administration and the defence sector. The parties must work to reach the objectives set by the Steering Board of the Peace Implementation Council.

It is also essential that the authorities in Bosnia and Herzegovina continue to strive to resolve the question of refugees and displaced persons and that they cooperate with the International Criminal Tribunal for the Former Yugoslavia.

Good-neighbourly relations are essential to the viability of Bosnia and Herzegovina, which is, of course, in the process of being rebuilt as a State. Given the turmoil in which the country's rebirth took place, Bosnia and Herzegovina should cooperate with its neighbours and undertake, as soon as possible, the demarcation of its common borders with them, which would certainly help to lay a solid foundation for fruitful subregional cooperation and stabilize the region.

In resolution 1845 (2008), the Security Council expressed support for the peace process in Bosnia and Herzegovina and for the Dayton Agreement of 10 November 1995. The international community must continue in that vein, and continue to support Bosnian and Herzegovina with a view to the full implementation of the various agreements. In this connection, we welcome the contribution made by the European Union and its multinational stabilization force. We also welcome the efforts by the North Atlantic Treaty Organization and the Organization for Security and Cooperation in Europe.

Lastly, we commend the work and the praiseworthy initiatives of the High Representative and his Office in terms of the implementation of the General Framework Agreement for Peace in Bosnia Herzegovina. We would urge them and the Steering Board of the Peace Implementation Council to resolutely continue their work for stability and lasting peace in Bosnia and Herzegovina.

Mr. La Yifan (China) (*spoke in Chinese*): The Chinese delegation would like to thank High Representative. Mr. Lajčák for his briefing to the Council and the report submitted to the Council prior to the briefing. We are also pleased to welcome the Chairman of the Council of Ministers of Bosnia and Herzegovina, His Excellency Mr. Nikola Špirić, and we thank him for his statement.

We have been following the political process in Bosnia and Herzegovina and we note that the overall situation during the past six months has been, on the whole, stable. Progress has been made on the road to European integration. We note in particular the adoption of two laws on police reform, the signing of the stabilization association agreement with the European Union and cooperation with the International Criminal Tribunal for the former Yugoslavia. However, we are also concerned by some destabilizing factors and difficulties facing Bosnia and Herzegovina.

As mentioned in the High Representative's report, parties concerned have exchanged tit-for-tat rhetoric. Also, Bosnia and Herzegovina's economic growth has encountered new challenges. As refugees and displaced persons return, it is experiencing many obstacles. Despite these challenges and difficulties, we hope the High Representative and the relevant parties of Bosnia and Herzegovina will make continued efforts to maintain the country's political stability and security so as to move it forward on the road to peace, reconciliation and development. And, in particular, efforts should be made to implement the five objectives and two conditions put forward by the Peace Implementation Council Steering Board.

China respects Bosnia and Herzegovina's sovereignty and territorial integrity. The future of the people of Bosnia and Herzegovina is in their own hands. We believe that the maintenance of lasting peace and stability in Bosnia and Herzegovina is in the interests of all sides and that continued dialogue and cooperation will provide an important basis for achieving this goal.

We welcome the joint statement issued on 8 November by the three major parties of Bosnia and Herzegovina concerning areas of constitutional reform and population census. We hope that Bosnia and Herzegovina's ethnic groups, in a spirit of reconciliation, will increase mutual trust, carry out sincere cooperation and refrain from political tension and confrontation. We also encourage the High Representative to continue to conduct extensive consultations with all sides as mandated by the Dayton Peace Agreement, with the aim of helping the various ethnic groups to take constructive measures and make headway in areas of constitutional reform, economic development and law and order.

We are ready to continue to support the High Representative's work and we are also pleased to see the positive role played by the European Union in maintaining Bosnia and Herzegovina's stability, economic growth and associated development within the framework of the Dayton Peace Agreement. We are also prepared, together with the international community, to support and assist Bosnia and Herzegovina in its efforts to realize lasting peace, stability and a sustainable development.

Mr. Bui The Giang (Viet Nam): My delegation thanks Mr. Lajčák, the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, for the thirty-fourth report submitted to the Secretary-General and for his briefing on the situation on the ground. We also welcome to the Council Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement.

We take note of the efforts made during the reporting period by Bosnia and Herzegovina in restructuring its police and entrenching the rule of law, as well as maintaining the overall fiscal sustainability and macroeconomic stability of the country. However, we remain concerned about the political situation in Bosnia and Herzegovina over recent months as demonstrated, inter alia, by the continued domination of nationalist rhetoric over the political atmosphere and related attacks on said institutions, challenging the country's sovereignty and territorial integrity, as mentioned in the High Representative's report. We are equally concerned about the potential economic and

financial challenges facing the country, in particular due to the impact of the global food and energy crisis.

Against this background, my delegation believes that, at this critical juncture, all stakeholders in Bosnia and Herzegovina need to show a higher sense of political responsibility and greater ownership of the reform process. We therefore call on all the parties concerned to work together in a reconciliatory spirit and with patience towards a mutually acceptable solution regarding an integral multi-ethnic State made up of two entities with guaranteed rights for the Bosniaks, Serbs and Croats living there.

It is important that the process of constitutional reform continue under the ownership of Bosnia and Herzegovina, be based on the principles set out in the Dayton Agreement and that more determined efforts be exerted to ensure good implementation of the federal leaders' commitment to the European integration process.

My delegation wishes to take this opportunity to confirm our continued support for the role of the Office of the High Representative for Bosnia and Herzegovina and the European Union in facilitating the country's regional and international integration process, as well as promoting peace, security and development in Bosnia and Herzegovina within the Dayton Agreement.

Mr. Kleib (Indonesia): I should like first of all to join other in thanking the High Representative, Mr. Lajčák, for his briefing as well as his report. We also wish to welcome the presence of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and we thank him for his statement.

We welcome the fact that some progress has been made regarding the objective and conditions of the Peace Implementation Council Steering Board. Moreover, we welcome the continuous efforts by all stakeholders in the region by taking various measures to strengthen the rule of law at the local and national levels. It is our view that one of the fundamentals for forging a strong society is to build a culture of the rule of law. Such a culture can guarantee that all its citizens will reap the dividends of peace.

We note the incremental progress that has been made by Bosnia and Herzegovina to fulfil the stabilization and association agreement. We also acknowledge that the continuation of the mandate of the European Union force contributes to a safer and more secure environment in this process.

Despite this notable progress, the report noted some concern on the current security situation in the country that is emanating from the political environment. We place our hope in the Office of the High Representative to continue to engage all political parties and other relevant stakeholders to further ameliorate the current acrimonious political climate. This climate, we believe, will undoubtedly affect and erode inter-ethnic trust and thus make compromise between the parties even more complex.

In this regard, we continue to believe that dialogue, reconciliation and negotiation must be the preferred option for the resolution of any issues. This effort would ensure that cooperation among parties can be materialized and, most important, it would allow for the parties to focus their scarce political energy on achieving their common goal of prosperity and stability in the region.

We continue to note with concern the slow return of refugees and internally displaced persons. We encourage the Office of the High Representative, the Office of the United Nations High Commissioner for Refugees and other stakeholders to redouble their efforts to tackle these delicate humanitarian issues. Such efforts need to encompass measures to build a higher level of trust among the returnees and the local populations. As in other places, we recognize that the longer it takes for them to return, the less incentive exists for them to do so. The returnees need to be convinced that they would be able to interact and live peacefully with others.

Finally, I should like to reiterate Indonesia's continued support to the political process conducted by the High Representative in line with the Peace Agreement.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): At the outset, I should like to thank the Chairman of the Council of Ministers of Bosnia and Herzegovina for his statement as well as the High Representative for his report.

In order to avoid repeating the appeals to good sense that have been made by the previous speakers, which of course we fully share, I would like to read the closing paragraph of the statement of the Chairman of the Council of Ministers of Bosnia and Herzegovina.

He said: "I would like to thank High Representative Miroslav Lajčák for his efforts for the benefit of Bosnia and Herzegovina, even though I wish his report were more optimistic and not as selective."

In that respect, my delegation feels that it would be more conducive to attaining the objectives that I believe we all share if the leaders on all sides were to adjust their thinking and attitude with respect to paragraphs that may or may not be included in the High Representative's reports. There were serious and difficult confrontations in that area, and progress has been made in the past 13 years, but attitudes must change if the peace and progress that we all hope for are to be achieved.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): Allow me at the outset to welcome the Chairman of the Council of Ministers of Bosnia and Herzegovina and to thank him for his presence and for his statement.

We also thank Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, for his briefing.

We welcome the adoption by the Parliamentary Assembly of Bosnia and Herzegovina of the long-awaited police reform laws, which paved the way for that country to sign on 16 June the Stabilization and Association Agreement with the European Union (EU). We also welcome the concrete progress achieved by the authorities of Bosnia and Herzegovina towards fulfilling the five objectives and two conditions referred to earlier by the High Representative. That, we believe, reflects the transfer of authority from the Office of the EU High Representative. We hope that such progress will continue.

Despite the positive developments in Bosnia and Herzegovina, we remain concerned about the ongoing nationalist discourse on all sides and the extremist and ethnic interpretation of certain issues. The tendency to address such issues from an extremist and ethnic perspective may revive tensions and undermine stability in the country and the region as a whole.

We therefore call on the peoples of Bosnia and Herzegovina to exercise political restraint, learn to coexist through dialogue and respect for State institutions, cooperate to the greatest possible extent with the High Representative, and adhere to all provisions of the Dayton Peace Agreement and the relevant resolutions of the Security Council. Such an approach will help Bosnia and Herzegovina to become a more stable country based on a multi-ethnic society and culture, and contribute to the stability and sustainable development of the Balkan region.

We further commend recent efforts to arrest the perpetrators of war crimes and crimes against humanity who have been in hiding for many years. We hope that efforts to pursue the other fugitives and bring them to justice will be pursued. Success in that endeavour would heal the country's wounds and help it to put the past behind it. We call on everyone to cooperate with the International Tribunal for the Former Yugoslavia, pursuant to the Dayton Agreement.

We also share the High Representative's opinion concerning the issuance of a clear and strong statement of guarantees to Bosnia and Herzegovina, which would create an atmosphere of trust between all Bosniacs that would help them to tend to the business of developing their country. We hope that it will also contribute to the speedy return of all Bosnian refugees who remain outside their country.

We are somewhat concerned about the remaining obstacles to the return of some 120,000 refugees and internally displaced persons. We stress the need to take all necessary measures to ensure their return to their homes. The constitutional and economic reforms must be pursued in support of the efforts of the High Representative in that respect, and we hope that all parties in Bosnia and Herzegovina will participate in those reforms, which serve the interests of all sides and the achievement of stability and peace and the building of a just society in that country.

The President: I shall now make a statement in my capacity as the representative of Croatia.

I welcome and thank the High Representative and the European Union (EU) Special Representative Miroslav Lajčák for his report and today's briefing, as well as for all the work he has done in Bosnia and Herzegovina, which Croatia fully supports.

I also welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement.

Croatia aligns itself with the statement delivered by the representative of France on behalf of the

European Union. I wish to make a few additional remarks.

My delegation welcomes the important progress made on the reforms that enabled Bosnia and Herzegovina to sign a Stabilization and Association Agreement with the European Union on 16 June. The Agreement is that country's first contractual relationship with the European Union and the first significant step towards seeing Bosnia and Herzegovina as a peaceful, viable State irreversibly on course towards European integration, which is the long-standing objective of the Peace Implementation Council.

However, due to many other troubled spots around the world that have caught the attention of the international community and media, the situation in Bosnia and Herzegovina has fallen below our radar. In that sense, we are of the view that the international community should refocus its attention on the current situation in Bosnia and Herzegovina.

We are deeply concerned by the High Representative's assessment of the situation in Bosnia and Herzegovina, which is far from stable. In that regard, we echo the conclusions reached at the most recent meeting of the Peace Implementation Council Steering Board, which expressed serious and deep concerns over "challenges to Bosnia and Herzegovina's sovereignty, territorial integrity and constitutional order" (*S/2008/705, para. 93*).

Thus, while we welcome with enthusiasm the EU-inspired reforms in Bosnia and Herzegovina and its progress on its path towards integration into the EU, we also draw attention to a number of fundamental problems that still need to be addressed. We stress the importance of meeting the challenges confronting Bosnia and Herzegovina through a comprehensive and inclusive dialogue, in particular on future constitutional reforms, which needs to be intensified under the reinvigorated and more focused guidance of the international community and with additional support given to the High Representative.

Bosnia and Herzegovina is facing some difficult problems, and the only way out is to reach an agreement and a vision for the future that is acceptable to all three of its constituent peoples. In this sense, challenging the very foundations of Bosnia and Herzegovina, which reached peace with the Dayton Accords, is hurtful and damaging. However, any intention to improve the current situation and remedy the problems in Bosnia and Herzegovina should be welcomed and encouraged.

On that point I wish to stress that the stability of Bosnia and Herzegovina depends on respect for the equal rights of all three constituent peoples: Bosniacs, Bosniac Serbs and Bosniac Croats. That is vital not only for the future and the survival of Bosnia and Herzegovina, but for the future survival of the Croats as well in Bosnia and Herzegovina. Those two futures are closely interlinked.

We have said several times that there cannot be a Bosnia and Herzegovina without Croats in the country. It is therefore imperative to protect their equality. Having in mind their particular situation, I will underscore again that their voice must be heard and must be taken into account on a basis of equality — both ethnic and civic — and on the basis of constitutional equality. This stems from the constitution and the history of Bosnia and Herzegovina. All three groups, all three peoples must feel that it is their country, and they should feel safe and protected throughout its entire territory. Their fundamental rights and freedoms, as well as their civic and ethnic rights, should be protected throughout the country, as should their right to return to their homes.

An important part of this is the fight against impunity with regard to all crimes committed. We echo the High Representative's calls regarding the need to arrest the fugitives from the International Criminal Tribunal for the Former Yugoslavia. They should be transferred to The Hague as soon as possible.

Finally, we are offering the peoples of Bosnia and Herzegovina a clear and unambiguous European perspective. We are investing efforts in explaining that such a European future will benefit each and every citizen of Bosnia and Herzegovina and all of its constituent peoples. Croatia is doing that jointly with the rest of the international community, and we need to persevere on that path together. That will benefit all of Europe, together with Bosnia and Herzegovina and all of South-East Europe.

I now resume my functions as President of the Security Council.

I now give the floor to Mr. Miroslav Lajčák to respond to the comments and questions raised.

Mr. Lajčák: I would like to thank you, Mr. President, and all members of the Security Council for the attention to the situation in Bosnia and Herzegovina and for the statements in support of our mission there.

I would like to stress two things. The first is the need for compromise and consensus among the three constituent peoples if Bosnia and Herzegovina is to move forward. Secondly — to repeat once again — the international community must support all the domestically led initiatives and honour the principle of ownership.

Our priorities — "our" means the international community and myself — for the period ahead will be, first, to complete our work plan as it was defined by the Steering Board of the Peace Implementation Council in February this year, and second, what is equally important is to decide when is the right time to redefine our presence in Bosnia and Herzegovina and to offer a greater role to the European Union. As I said, that is the joint responsibility of the international community. The best way for the local authorities to contribute to that is to behave in a mature way and to demonstrate that they are ready to be our partners rather than our opponents in this process.

In our efforts I also count on the continuous attention and support of the United Nations and its Security Council, and I would like to thank you for that in advance.

Finally, let me wish the Council a lot of success in implementing your very responsible mandate.

The President: I thank Mr. Lajčák for the clarifications he has provided.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4:55 p.m.